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Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

Vol. 2 — (PART II)

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[SUB-COMMITTEES II—IX]

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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in Cmd. 3778 of 1931, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

This volume (Part II of Proceedings of sub-Committees), which is supplementary to the above Command Paper, contains proceedings in sub-Committees II to IX inclusive, memoranda circulated to those sub-Committees, and memoranda prepared by delegates, which were circulated to the whole Conference.

Part I of sub-Committee Proceedings is published as a separate volume, containing the proceedings of sub-Committee No. I (Federal Structure).

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SUB-COMMITTEE No. II.

(Provincial Constitution).

The Sub-Committee was constituted as follows :—

Mr. A. Henderson, (Chairman).
The Marquess of Zetland.
Sir Robert Hamilton.
H.H. The Maharaja of Nawanagar, Sir Prabhashankar Pattani, Rao Bahadur Krishnama Chari. (with a watching brief.)
Sir Ghulam Hussain Hidayatullah.
Mr. B. V. Jadhav.
Sir Chimanlal Setalvad.
Sir Cowasji Jehangir.
Sir Shah Nawaz Bhutto.
Sir Provash Chunder Mitter.
Mr. Fazl-ul-Huq.
Raja of Parlakimedi.
Diwan Bahadur Ramachandra Rao.
Sir A. P. Patro.
Nawab Sir Ahmad Said Khan.
Mr. C. Y. Chintamani.
Mr. S. B. Tambe.
Mr. Zafrullah Khan.
Raja Narendra Nath.
Sardar Sampuran Singh.
Maharaja of Darbhanga.
Mr. C. Barooah.
Sir Abdul Qaiyum.
Mr. C. E. Wood.
Mr. K. T. Paul.
Mr. N. M. Joshi.
Dr. B. R. Ambedkar.

with the following terms of reference :—

" The powers of the Provincial Legislatures."

" The constitution, character, powers and responsibilities of the Provincial Executives."

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. II (PROVINCIAL CONSTITUTION) HELD ON 4TH DECEMBER, 1930.

Chairman : This sub-Committee has been appointed, I understand, to deal with items 7 and 8 in the list of headings drawn up by Lord Sankey and submitted by him to the main Committee. I propose to ask you to give your consideration to the subjects that we should consider under the heading " The Provincial Executive and its relation to the Legislature." I understand that another sub-Committee is going to be appointed to deal with the question of the relation of the Provinces to the Centre, so that we need not trouble about that aspect of the case in our discussion. I therefore suggest we should consider the following questions, though I do not wish to rule out any other suggestions :—

1. Is it practicable to abolish the distinction between reserved and transferred subjects.

2. If so, what are to be—

(*a*) The constitution and composition of the executive,

(*b*) The powers of the Governor vis-a-vis (1) his executive, (2) the legislature ?

What, if any, provisions are necessary to safeguard—

(1) The administration of law and order,

(2) The rights of minorities or any other interest ?

3. Should all special powers be exercised by the Governor or should some be exercised by the executive as a whole ?

4. How should the Governor obtain advice necessary for the exercise of his special powers ?

5. Should any provision be made to enable the government to be carried on in the event of a breakdown in the normal constitution ? If so, what emergency powers should be given—

(1) to the Governor,

(2) to the Executive, and

(3) what conditions should be requisite for the exercise of these powers, and

(4) under what safeguards should they be exercised.

I will have these suggestions circulated, if that has not already been done. I am sure they give us a number of points to begin upon, and unless any exception is taken I think it would be a good plan if we were to-day to have a general discussion on the whole of the points and on any other points which come within our terms of reference. Perhaps towards the end of to-day's sitting we could see whether there were any special points, or a special point, to which we should like to give our attention at the next meeting of the sub-Committee.

I want you to understand that within those terms, the subject is entirely open, and I have submitted these suggestions only in order to give us some little guidance as to the points on which we should concentrate out attention, especially at the beginning of our proceedings.

Sir P. C. Mitter : May I enquire whether, with regard to item 7 of the Lord Chancellor's list of heads, the powers of the Provincial Legislatures, you propose to go into that matter at a later stage ?

Chairman : It is not ruled out. We were appointed to deal with items 7 and 8, I think, and I should not rule it out of the general discussion.

Sir A. P. Patro : My objection is this. If we have had referred to us items 7 and 8 in the Lord Chancellor's lists of heads, I do not see what authority there is for excluding from our discussion the question of the relations of the Provinces to the Centre. We cannot properly consider the various points under these heads without knowing what would be the relations of the Provinces to the Centre, whether there should be correlation with the Centre or whether the Provinces themselves should decide the matter. All that comes in very directly in discussing the constitution of the Executive and the Provincial Legislatures, and I do not see any reason whatever for excluding that. I do not know who has excluded it, seeing that the general meeting referred items 7 and 8 to this sub-Committee.

Raja Narendra Nath : In connection with what Sir A. P. Patro has said, I wish to ask if you propose to exclude from our discussion the list of Provincial subjects.

Chairman : No, I said I did not wish to exclude anything.

Raja Narendra Nath : It is nowhere mentioned in this Note.

Chairman : Do not let us have any misunderstanding at the beginning. I put these points down for your guidance, but I have also said that I will not exclude anything which is within our terms of reference.

Raja Narendra Nath : Can we then include the consideration of the Provincial subjects in this discussion, or are we to begin with this item of our proceedings ? This is a very important matter.

Chairman : " Provincial subjects " is rather a wide term.

Raja Narendra Nath : I refer to Provincial subjects as they are given in the Schedule attached to the Government of India Act at present.

Chairman : I am in this position. There are other sub-Committees sitting, and it is the intention to set up further sub-Committees. I have to consider whether the subject to which you refer is not already being considered by another sub-Committee, and therefore I say that I am not excluding anything, but if we concentrate our general discussion on the points I have submitted this morning I think our hands will be fairly full. I do not wish to rule out from the purview of the sub-Committee on another occasion any subjects to which I have not referred here.

Mr. Chintamani : While concurring generally with the subjects you have put forward, Sir, I would suggest that as this list has only just been circulated we might go through it, the liberty being left to us to suggest additional subjects at subsequent meetings.

With regard to the suggestion of Raja Narendra Nath, it seems to me that when we consider whether the distinction between reserved and transferred subjects can be abolished we shall not be able to consider that matter fully without knowing what are the Provincial subjects and whether any of them will have to be reserved or whether all of them can be transferred. I think we can take the list of Provincial subjects given in the Devolution Rules and suggest any modifications thereto we may think desirable. If any other sub-Committee is seized of this subject of the division into Central and Provincial subjects, our conclusions can be co-ordinated at a later stage.

Diwan Bahadur Ramachandra Rao : On item 1 in the list which has been circulated the whole question of Provincial subjects comes up for consideration because that item says, " Is it practicable to abolish the distinction between reserved and transferred subjects ?" and on that all the subjects would come up for discussion and we should certainly have to consider whether this distinction should be maintained or whether there should still be a certain number of reserved subjects or whether all the subjects should be transferred. The question of Provincial subjects therefore, comes up for discussion on item 1.

Chairman : I have already said that I am ruling out nothing if I am satisfied that the subject raised is not being covered by another sub-Committee.

Lord Zetland : I do not think there is really much difficulty here. The question which has been raised, as I understand it, is whether this sub-Committee should discuss the advisability of transferring any additional subjects from the Centre to the Provinces. I do not think that is a matter which ought to interest this sub-Committee; cannot we take the list of Provincial subjects as it exists to-day ?

Raja Narendra Nath : Quite right.

Lord Zetland : We should take them in accordance with the Devolution Rules in force and base our discussions on the assumption that, broadly speaking, those are the subjects with which we shall have to deal.

Raja Narendra Nath : That is exactly the suggestion which was made from this side.

Chairman : And I replied that nothing was ruled out.

Sir Cowasji Jehangir : May I point out that when this sub-Committee was being appointed the Prime Minister clearly stated it would have to work in consultation with sub-Committee No. I after we had gone as far as we could go without the assistance of the other sub-Committee ?

Chairman : That is exactly the position. I wanted to be sure we were not going to take up a lot of time discussing something we could not settle without regard to what was being done elsewhere.

Raja Narendra Nath : The conclusions of the two sub-Committees will have to be co-ordinated later.

Sir Abdul Qaiyum : Do I understand rightly that for the purposes of discussion by this sub-Committee the North-West Frontier Province will be treated as a Province, or does it come under a separate head and will it be dealt with by another sub-Committee ?

Diwan Bahadur Ramachandra Rao : That should be a separate subject. There are no reserved and no transferred subjects in the North-West Frontier Province, and no Provincial Legislature and no Provincial Executive except the Chief Commissioner. It is an entirely different proposition.

Sir Abdul Qaiyum : I want to know whether we constitute a separate unit ? Are we to regard the North West Frontier Province as a Province and as coming, therefore, within the scope of our discussion ?

Chairman : I understand that when the Lord Chancellor produced these headings he did not lay it down that they covered the North West Frontier Province.

Sir Abdul Qaiyum : Then do I understand there is going to be a separate sub-Committee to deal with it, or is it going to be omitted altogether from the purview of this Conference ?

Chairman : The answer to that question is that as it has not been included among the subjects to be considered by this sub-Committee, the main Committee will have to consider the question of appointing another sub-Committee to deal with that issue.

Sir Abdul Qaiyum : If we are going to consider the question of Provincial constitutions and their relations with the Centre, why should it be necessary to appoint a separate Committee ?

Chairman : On that point I should have to ask the Lord Chancellor.

Nawab Sir Ahmad Said Khan : So far as this sub-Committee is concerned, we are here to make the future constitution of our Provinces—not any particular Province, but all the Provinces. Therefore I think that, so far as the question of Sir Abdul Qaiyum is concerned, we cannot say that it is or is not covered. With regard to the division of the subjects before us, I do not think that we should enter into the division of the subjects at this stage. If we start dividing subjects at once it will lead to confusion. We had better have a general discussion first of all.

Sir Cowasji Jehangir : The reference to us is as to the powers of Provincial legislatures and executives. The point is whether this refers to Provincial legislatures in existence to-day, or to those which will come into existence in the future. If that point is cleared up we shall get an answer to the question raised by Sir Abdul. The question is an open one, to ascertain exactly what the Lord Chancellor meant.

Diwan Bahadur Ramachandra Rao : There are many other administrations—minor administrations—which, it seems to me, our present terms of reference do not contemplate. Our terms of reference seem to relate to Governors' Provinces where there are legislatures, but there are four or five administrations without legislatures.

Chairman : If the terms of reference submitted are too narrow, then I will consult the Chairman of the Conference and the Lord Chancellor, and as we go on with our work, if it is the desire of the Committee to take up subjects that might not be included under the narrow interpretation, I shall ask their permission to see how far we may discuss them under a wider interpretation.

Mr. Joshi : Shall we be authorised to send our substitutes here when we cannot attend ourselves.

Chairman : I think that is the rule on all Committees.

Dr. Ambedkar : On looking through the heads you have circulated, I do not find anything which would give us the opportunity of discussing the composition of the Provincial Legislatures. I raised this point in the Conference, and the Prime Minister said it would be left to the Committee.

Chairman : There is a general feeling that this question should be considered under heading 9.

Mr. Chintamani : The Committee that will be set up to consider the problem of minorities will doubtless make its recommendation, but without prejudice to what recommendation it may make, and without considering the question of minorities, it is our province to consider the question of the electorates under the scheme.

Chairman : I do not propose to rule out anything in a general discussion, and if you can show us that there is something to be said for discussing the size and composition as well as the powers of these bodies, then I do not see why it should not be discussed. In the meantime I will have this question put as to whether we can regard No. 9 as covering the point which our friend has raised.

Sir Chimanlal Setalvad : The general points that arise are these. In the Provinces at present we have what I call reserved and transferred subjects. The question is whether in the future there should or should not be any distinction between reserved and transferred subjects. I submit the general feeling of India is that the time has now arrived when that distinction should go, and that all subjects should be transferred, and no subject reserved at all. All subjects in the Provinces, including law and order, should be transferred, and should be now administered by Ministers chosen from the elected members of the Legislative Council to which they would be responsible. Connected with that is a question which is of considerable importance. At present the Governor in the case of transferred subjects acts or is supposed to act on the advice of Ministers, but under the law, power is given to him to take action contrary to that advice if he so chooses. There is no limitation on that power, it is entirely at his own sweet will, if he thinks the particular action proposed by the Minister does not meet his approbation then he may take action contrary to the Minister's advice. I submit that that power should now go, and the Governor hereafter should be a constitutional Governor acting according to the advice tendered to him by his Ministers. When I say that, I am quite willing that there should be some reserved power in the Governor, not in the ordinary day-to-day administration, but in emergencies when the security or tranquillity of the Province may be endangered by any action the Minister proposes to take. But except in those circumstances, he should have no power, as he now has, to act contrary to the advice of the Ministers.

There is one other point of a general character which past experience has shown to be of considerable importance, namely, the control of the Services. No doubt the Services will form the subject of a separate investigation, because it is understood, as I said the other day, that the whole subject is Central as well as Provincial. But the feeling is, I submit, that the control of the Services should be in the Ministers in the Provinces. Whatever we may do about the recruitment of the Services, the feeling is that the recruitment should no longer be with the Secretary of State as at present. There are different notions as to how further recruitments should or should not take place, and whether it should be vested in a Central Government acting on the advice of the Public Service Commission which may be set up.

Whatever method may be adopted with regard to the future recruitment of the Services, it is felt that the discipline and control of those Services should be vested in the Provinces where the Civil Servants are engaged. At present if a Civil Servant or a Police Officer or any other member of a Service objects to any disciplinary action, for instance, which may be taken against him, he can go over the heads of the Ministers and appeal to the Secretary of State. That weakens the authority of the Ministers and of the Provincial Government, and therefore that question will have to be considered by this sub-Committee, though no doubt it forms the subject, or will form the subject, of a larger inquiry with regard to the Services as a whole.

A further question has regard to the composition of the Legislative Council. It is felt that the time has arrived when the official bloc should disappear. It may be that on a particular occasion where expert advice is needed certain experts, whether official or non-official, may be brought in for the particular purpose of the legislation concerned ; but so far as the ordinary composition of the Legislative Council is concerned, the official bloc should entirely disappear and all the members of the Council should hereafter be elected members ; and, as I have said, the Ministers should be chosen out of the elected members.

Further, it is felt that there should now be joint responsibility of the whole Ministry in the Provinces. At present it is a very divided responsibility, and the machine does not work as smoothly as it should. I consider, therefore, that the constitutional method should be followed ; as soon as the elections have taken place and the Legislative Council is brought together, the Governor should send for any person or persons commanding a majority in the Legislature and select his Chief Minister. It should then be left, in the constitutional manner, for the Chief Minister to select his colleagues ; and, as I have said, full responsibility of the Ministry to the Legislative Council should be established, and all subjects should hereafter be transferred in the manner I have suggested.

Mr. Fazl-ul-Huq : Before we proceed further, I deem it my duty to make one or two remarks in order that we may have the subjects of discussion strictly in view. I entirely agree with the last speaker, Sir Chimanlal Setalvad, that what he has now said represents the general feeling in India amongst all political classes. The difficulty is not with regard to the statement of general feeling in the country, but as to how to fit in the lines of advance with the various difficulties we shall encounter on the way.

Sir Chimanlal has said that the Governor's power of interference at discretion with the policy adopted by the Ministers should practically disappear. That is certainly very sound in principle, and it must be one of the bases on which full responsible self-government must be constituted. The difficulty however is—and we have got to face the fact, however unpleasant it may be to mention it—that in all the Provinces there are minority interests and other interests which at the present moment are distrustful of the manner in which the majorities or others may deal with their interests, if power is entrusted to them.

At the present moment I must admit that despite our efforts here in London, lasting over a month, we have not been able to arrive at any satisfactory solution so far as these complicated questions are concerned. Let us hope they may be solved, but they have not yet been solved ; and to my mind some of the difficulties seem almost insurmountable. I submit that so long as those difficulties are not bravely faced and solved, not by British people but by the Indians themselves, it is absurd to say that the Governor's powers of interference should be taken away.

As an Indian, I feel greatly humiliated when I have got to say that I am forced by circumstances to take the view that the Governor's powers ought not to be taken away altogether. My friend himself has conceded that emergencies may arise when the safety of the Province itself is imperilled, and in those circumstances the Governor may have the power of veto. That is how the difficulty arises, for who is to judge whether a certain contingency of that character has arisen or not ? Is it the Governor who is to judge, or the Ministers ? Suppose the Ministers hold it is not an occasion where the Governor ought to interfere, and the Governor says that it is : who is to arbitrate between them ? That shows at once that it is very difficult to draw a line of demarcation between the absolute disappearance of the Governor's power of interference and a limited power of interference vested with the Governor. That is a point which I think this sub-Committee ought to consider.

Sir Chimanlal has referred to the constitutional position, and he says that as soon as the elections are over the person who is the leader of the largest bloc, or the persons who may appear to command a majority, should be sent for and asked to form a Ministry. That is very good and sound in principle and very good in theory, and I do not see any particular difficulty about it; but there is one suggestion I should like to throw out for consideration by this sub-Committee. I suggest we consider whether, in making recommendations to the Conference, we should not make a recommendation of this character: that the Ministry should never exclude minority interests or any other interests which it is necessary to have represented. It is not possible for me to formulate my point at the present moment; I speak subject to what may develop in the course of the discussion.

What I am afraid of is this. Take the case of a Province like the United Provinces, where the Hindus form 56 per cent., or the case of a Province like the North West Frontier Province, where the Muhammadans form over 90 per cent. The Hindus in the United Provinces may form a Ministry without bestowing a single thought on the Muhammadans, and the Muhammadans in the North West Frontier Province may form a Ministry without taking into account the Hindu members at all. Up to now, Ministry after Ministry has been formed in Madras without a single Muhammadan being included. I do not for a moment say that Muhammadan interests have been jeopardised, but we are coming in the future to a position where the official bloc will disappear, or practically disappear; we are coming to a position where the interference of a third party is going to disappear; we are visualising conditions absolutely different from those which exist to-day.

It is no use pretending there are not difficulties in the way; do not let us deceive ourselves. I ask my friends here, as statesmen and practical politicians, to consider the difficulties and to look at every question not merely from their own point of view, but from the point of view of others. Let every Hindu member of this House consider every question from the Muhammadan point of view, and let every Muhammadan here consider every problem from the Hindu point of view. It is only by something of this description, by merging ourselves in the wills of others, so to speak, that we can really appreciate the difficulties and be in a position to suggest solutions for the problems which arise.

I submit it is no use repeating—and here let me emphasise that I mean no disrespect to Sir Chimanlal Setalvad—the theories which we read in the Nationalist Press. They are theories borrowed from England, many of which do not apply to our country. We must not be content with a slavish imitation of English institutions. There are many things in England I do not like; for instance, I do not like your weather! In the same way, there are some things I do not like in the English constitution. Let every difficulty be thrashed out frankly and sincerely, without prejudice and without heat. Do not let us hide from ourselves the difficulties which stand in our way. I submit that if we proceed in that way we shall come to some sort of satisfactory conclusion. I have indicated only one or two of the difficulties; possibly others will appear in the course of the discussion.

Sir Chimanlal Setalvad : With regard to what has fallen from my friend Mr. Fazl-ul-Huq, I should like to assure him that we are all very mindful of the difficulties that he has pointed out. It is not that those difficulties are not present to our minds; they are, and we are determined to deal with them and surmount them.

So far as the interests of the Muhammadan and other minority communities are concerned, in the formation of the Cabinet, in the Services, and in many other ways, let me assure my Muhammadan friends and the other minorities that we are all of one mind with regard to the fact that ample provision and ample safeguards must be made to satisfy those minorities. If I did not refer to that, it was only on the ground that a separate Minorities Sub-Committee is going to be set up, and this will consider all these questions—safeguards with regard to the Ministry and safeguards with regard to many other matters which affect minorities. All that will be thrashed out in that other Sub-Committee, and ample provision will be made which will apply to the whole administration, from the Centre to the Provinces downwards.

Therefore, speaking for myself and for my friends who take the same view, I can take the liberty of assuring my Muhammadan friends and my friends from the other minority communities that every effort will be made to secure their satisfaction in the constitution we are going to evolve, and that they need not apprehend that any community, major or otherwise, will try to take any advantage over any other community. We are all here frankly to discuss the difficulties that exist, but we have the grim determination to surmount them all and to evolve something which will satisfy all sides.

Lord Zetland : May I venture to suggest that there is perhaps not really very much need for us to have a second reading discussion on the main question before this sub-Committee. The second reading discussion really only means this : Are the Provinces, possibly with certain reservations, to have autonomy. That is the main question before this sub-Committee. Surely it is no longer necessary to discuss that in principle; we may take it the principle is conceded. The Simon Commission Report laid it down in perfectly plain terms that the time had come when, subject to certain reservations, the Provinces of India should be granted autonomy. That being so, I merely rise to suggest that it is perhaps hardly worth while having a long second reading discussion on that main point, and that we should serve the interests of this sub-Committee best by coming down to the hard facts of the case and considering the heads which have been drawn up by our Chairman in the paper which he has circulated.

Chairman : I think there has been some misunderstanding. I did not invite a general second reading discussion on the big principle; I spoke of a general discussion on everything that is in this document. Rather than beginning with the first point and narrowing the discussion down to that, I thought it might be better if speakers could refer to the set of suggestions in this document as a whole. They might want to accept so many, to criticise others, or to put forward new suggestions. That is what I meant by a general discussion; it would have taken place on the basis of this document, and I thought that after that we could begin on any of the points on which I had gathered the mind of the Committee. I am entirely in the hands of the Committee; I do not want to occupy your time and mine by having any unnecessary discussion. If you are willing now to start the consideration of this document, I welcome Lord Zetland's suggestion.

Sir A. P. Patro : I think there is no difficulty with regard to the principle; we all want Provincial

autonomy. The Simon Commission, the Central Committee and the recommendations of the Government of India, as well as the All-Parties Report (the Nehru Report) all agreed that there should be Provincial autonomy. As to whether any safeguards are necessary in the exercise of Provincial autonomy, that is a question which we shall have to consider. Some of the points are put down in this paper which has been circulated, so I think we might as well go into the points which are there suggested and see whether we can accept or modify what is set forth or whether we can give any advice with regard to the difficulties which arise. The first question is, is it practicable to abolish the distinction between transferred and reserved subjects? Everyone accepts that there should be an abolition of such distinction. The next question is, what further subjects should be added to the provincial subjects? That will depend upon the decision of the Federal Committee. Next comes the question of what are to be the constitution and composition of the Executive. In that matter also there will be no difficulty, because we are all agreed more or less. It should be composed of the members selected from the elected members; whether from groups or from a majority party is a matter for consideration. In a case where there is no party which has a large following the question becomes difficult as to whether the selection should be made from the various groups from one single party which happens to have a majority. Those are details which will have to be considered.

The powers of the Governor are well-defined in the Government of India Act at present. We have to consider which of those powers should be eliminated. There are several powers reserved in the Government of India Act. Those powers are hardly exercised in many of the Provinces. Therefore we have to see from experience what powers should be retained for the Governor. If we reserve certain powers to the Governor, he will have to consult his Ministry before he can exercise his special powers. Even now special powers are reserved, and the Government does not exercise them without consultation. It is a matter of procedure—of give and take between the Cabinet and the Governor. You can lay it down generally that in consultation with the Cabinet the Governor will have to exercise these powers, but you cannot say that in all circumstances this procedure must take place.

The question of Services is very much confused. There are not Public Service Commissions formed in every Province. When such Commissions are formed the difficulty of discipline and control largely disappears. The question of Services ought to be eliminated from party politics as soon as possible. In Madras we have been very anxious to see that these Services should not be under party politics. It is necessary that we should have Public Service Commissions, but also the recruitment should be in the hands of a Central Agency, and the nature of that Central Agency, whether the Central Government or the Secretary of State, is a matter to be discussed. With regard to the position in the Legislative Council, the fears which have been just expressed by my friend Mr. Fazl-ul-Huq are quite unfounded so far as Madras is concerned. In spite of the very small minority of Mussalmans, we have been able to secure Mussalman representation in the Executive Council. It is very necessary to have competent men on that body who would work efficiently, but Mr. Fazl-ul-Huq would not be justified in criticising Madras on the ground that there is no such representation of Mussalmans in the Ministry. The Madras Government has got a Mussalman in the Cabinet. As regards the official bloc the Simon Commission recommends its abolition. The Commission says that it is unnecessary and undesirable to have an official bloc. As regards nominations there are certain powers which should still remain with the Governor for nomination in certain contingencies. I agree with the recommendation that there should still remain a small number to be nominated by the Governor.

Mr. Zafrullah Khan: With regard to the general subject that is before us, I think I might express the same view as previous speakers on the first heading, as to whether it is practicable to abolish the distinction between reserved and transferred subjects. I hope the Chairman will be able to rule that there is such unanimity on this point that a conclusion may forthwith be arrived at, and that the time has come when such distinction should disappear. I trust it may be taken as the opinion of the sub-Committee that we need not go into detailed discussion of this question any further. As most of us, I hope, will realise, the Provinces of British India would in the future be autonomous in their government. They would be Provinces which as far as purely local or provincial matters are concerned, would have the fullest authority to deal with those matters, and liberty to develop along those lines. The general principle may now be accepted that in these Provinces the Executive should normally and ordinarily be responsible to the Legislature, the Legislature being truly representative of the people. Starting with that, we shall find that certain general principles will emerge upon which I trust there will be no difference of opinion whatsoever, as, for example, to begin with, that the Executive should be constituted of members called Ministers or Executive Councillors, who, although they are appointed by the Governor, are drawn from among the elected members of the Legislature, and are themselves representative of, or are supported by, the majority of the Legislature. I have been careful to put it that way because I do not at this stage want to go into the question as to whether the Ministers shall in all instances belong to the largest political group in the Legislature, or whether their selection shall also be made with regard to some other principle.

But it is obvious that for a Provincial Government to be carried on on the Cabinet system, the Ministers must be so chosen that when they form a Cabinet together they can command a majority of the members of the House. Ordinarily it would be possible for the Governor to choose his Ministers from one political group, if that political group happens to command the majority of the votes in the Chamber, and from that group he can draw such Ministers as will probably represent at least the major religious groups in the Chamber. If that were possible, perhaps no difficulty whatever would arise, but it is not necessary to go into details at the moment so far as these difficulties are concerned.

The one matter I wish to bring to the notice of the sub-Committee at this stage concerns the appointment of Ministers. I think it deserves the attention of the sub-Committee. The question is whether the Governor should have the power, not normally and ordinarily, but under any contingency when the Province is being carried on on normal or ordinary lines, to appoint as a Minister someone who is not an elected member of the Legislature. We are all aware that the Simon Commission made a recommendation that the Governor should have power, if he so chose, to appoint one or more officials as Ministers or one or more non-officials who are not elected members of the Chamber as Ministers. That is one matter with regard to which I think we shall have to record a conclusion, and my own opinion is that the Governor should not have that power. Taking the detailed criticisms which have been levelled against the recommendations contained in the Report of the Simon Commission, probably no recommendation has been so much criticised as the recommendation that the Governor should have this power.

We are all aware that at present the Governor has power to appoint a non-official as Minister even if at the time he is not an elected member of the Legislative Council, but it is necessary for such a Minister within six months of the date of his appointment to get elected to the Council or to vacate the office to which he has been appointed. I think that provision sufficiently secures to the Governor the power to bring in anyone whom, for any reason, he

wishes to include in his Cabinet, provided such a Minister is able, within six months of his appointment, to secure election to the Chamber.

I hope the sub-Committee will be very clear on the point that subject to this the appointment of Ministers shall be confined to the selection of elected members of the Chamber. Ministers should be chosen either from one party or from groups of parties so as to represent the majority in the Chamber, and they will naturally carry on until the dissolution of the House, whether automatic under the time rule, whatever that may be, or an earlier dissolution at the discretion of the Governor. There would be the usual stipulation that if the Ministry were defeated or censured (according to the procedure laid down) and lost the confidence of the House, they should resign.

So much for the composition of the Executive. There are some matters which have been alluded to which may be regarded as practically axiomatic, such as that when Ministries are formed they should always in future be expected to accept joint responsibility for their actions. We are aware that in the past that has not been the rule. In some Provinces joint responsibility was voluntarily accepted by the Ministers, but in most Provinces the Ministers are responsible only for the Departments committed to their care. I do not think there will be any difference on the point that in future Provincial Cabinets shall be jointly responsible to the House and shall be censured only jointly and not individually.

I should prefer not to lay down among the recommendations of this sub-Committee anything so definite as the necessity of always having a Chief Minister or appointing a Chief Minister in each Province; that is a matter with regard to which discretion might still be left in the hands of the Governor. It is a doctrine which has not, perhaps, developed to such an extent in the working of the constitution during the last nine years that it can be definitely said that in future the usual method for the appointment of Ministers should be for the Governor to send for one member who happens to be the leader of the largest group, or to command the largest influence, and then necessarily to be bound by his advice in the choice of his colleagues as Ministers. I think it must be left to the Governor to select such persons as he thinks will be able to command the votes of a majority of the House.

With regard to the composition of the Legislative Council, there are some matters with regard to this subject which will have to be dealt with by the sub-Committee which I understand is going to be formed to deal with minorities and special interests. For instance, there is the question of nomination, and there is possibly the question of the numbers in each Province, and there is the question of the official bloc. There again I think this sub-Committee will probably be agreed that nominations must be reduced to an absolute minimum. It may be that for some years it will still be necessary to nominate members to represent certain interests which may not, under the franchise which may now be framed, be able to obtain representation by the ordinary method of election. One thing, however, must be clearly laid down, namely that nomination shall never be resorted to to augment the representation of any interest which is also being represented by election. Nomination should clearly be limited to securing representation for such interests whose representation may be considered necessary, but which cannot conveniently be grouped together in any constituency and given the right to send representatives to the local Legislative Chamber.

With regard to the official bloc there seems to be general agreement—I do not think any contrary view has been expressed anywhere—that in order to enable a Provincial Government to carry on on autonomous and responsible lines, the time has come when the official bloc as a voting bloc should disappear from the Provincial Chambers. Permanent or temporary nomination may be necessary to secure a small number of expert members having the right to speak in the Chamber, and whose services it might be necessary to secure either on particular occasions or throughout the Session to give such information and advice to the Legislative Council as may be necessary, either on expert administrative matters or on such other technical matters as may arise for discussion, on which the members may not be so well equipped as the experts would be.

There is one very important matter which would require detailed discussion and with regard to which difficulties might arise, namely the special powers of the Governor both with regard to executive measures and also vis-a-vis the Legislative Council. In executive matters it has been stated by two previous speakers that it will still be necessary to invest the Governor with special powers of interference, or powers which may be described as overriding powers, having regard to the special circumstances which have to be faced in India. As a general statement that is no doubt true, but I hope the sub-Committee will come round to the view that the matters in respect of which such powers are left in the hands of the Governor must be very clearly defined, so that it can be easily ascertained (both by the Governor himself and by those who may be disposed to criticise his action) exactly what is the sphere in which his interference is permissible and whether his interference is or is not justified by the terms of the Statute or by the other instructions laid down. Such powers should not be left to any further definition or left very much to the discretion of the Governor himself to define. Naturally the question of whether to exercise those powers or to refrain from exercising them should be left to the discretion of the Governor, but there should be no ambiguity with regard to the spheres in which he can interfere when occasion arises.

One such occasion for interference which has been suggested is in order to secure the safety and tranquillity of the Province. I think those terms are rather vague, and I would far rather say that if necessary I think there is no harm in the Governor having power to override the action of his Ministers in the department of Law and Order. That is something definite, but "in order to secure the safety and tranquillity of the Province" is so indefinite and general that anything might be twisted into a matter affecting the safety and tranquillity of the Province, and thus justifying interference.

I do not mean in this general discussion by any means to try to exhaust the topic of the special powers of the Governor, but I put this matter forward as an instance that whereas all of us may be agreed that the Governor should have certain powers, we should also further agree that those powers should be strictly defined, so that no doubt may exist as to the meaning of the definition or the scope of the powers in question.

In the legislative sphere the Governor should certainly have the power of vetoing any piece of legislation which the Legislative Council has passed, as well as the usual power of referring it back for consideration and so on, which, with regard to legislation, he at present possesses. With regard to the special power of certification which the Governor has at present, I think it would have to be reduced to certification with regard to items related to matters for which he has overriding powers. For instance, I have suggested that one sphere in which he should have overriding powers and powers of interference might be the department of Law and Order. If he has the power to override advice given to him by his Ministers in this department, it follows that, if he interferes in, for instance, the matter of the numbers or the equipment of the Police force in the Province, he must also have the power of certification with regard to it. Once having overridden the advice of his Ministers he will probably be faced with a crisis in the Legislative Chamber, for the majority who are supporting the Ministers would naturally resent the interference of the Governor; and if he has not the power to certify with regard to matters in which he possesses overriding powers, those powers would probably be rendered nugatory. I think, therefore,

he must have the power of certification with regard to those matters, but his power should be limited to those matters.

Those are the general observations which I wish to put forward at the present stage of the discussion.

Sir Cowasji Jehangir : May I suggest that we proceed immediately to consider details ? All these remarks which are now being made will have to be made when we consider the details.

Chairman : If that is a question on which you want my ruling, I do not accept it.

Sir Cowasji Jehangir : I do not ask for your ruling, Sir ; I am merely making a suggestion.

Chairman : I think there is an advantage in having such speeches as that which has just been delivered. We shall find out the points where there is almost complete agreement, and when another stage is commenced I shall be able to say " Is it necessary to have further discussion on point A or point B, because everyone seems to be agreed ? " and therefore those points would be disposed of. This procedure does not waste so much time as one might imagine.

Sir Cowasji Jehangir : There is one point on which I should like to ask for your ruling, Sir. I see " Rights of minorities " are put down here. If we are to discuss the rights of minorities on all these other sub-heads we shall be trenching upon the subject matter which has been referred to another sub-Committee. I should therefore like to know why the subject of the rights of minorities was placed in this list. Was there any particular right of minorities that we were expected to discuss, or are we to discuss the rights of minorities under all these sub-heads ? I should like to know whether we are to confine our attention to rights of minorities as a whole or in regard to any particular matter.

Chairman : There are certain aspects of the minority question which must arise in connection with the discussion which is going on with regard to the Provinces, and to that extent it is permissible to deal with the matter in this general discussion. When we come down to any special item it will of course be necessary for me to give a ruling as to whether the discussion is not one which is outside the province of this sub Committee.

Mr. Jadhav : I am happy to say that I am in general agreement with the remarks made here by my friends who have had the opportunity of speaking before me, so that I need not take up unnecessarily the time of this sub-Committee by going over them again. I shall simply say that the distinction between the reserved and the transferred subjects ought to be abolished.

With regard to the second point, the constitution and composition of the executive, I agree with previous speakers that the executive should consist of Ministers chosen from amongst the elected members of the Council.

So far as the question of the powers of the Governor is concerned I should like to say a few words on that point.

The present discussion has led me to believe that many of the speakers favour the idea that the future head of the Executive should be the Governor and the Ministers should be his advisers. I do not subscribe to that view. In a case I have in mind the position of the Ministers was looked upon as inferior to that of the Executive Councillors, and there was constant friction on that account. The interference of the Governor led to the unpopularity of that system. In the future constitution the Governor should be more or less a constitutional Governor. The administration should be carried on by Ministers who are responsible to the Legislative Council, and the Governor's powers of interference or over-riding should come into operation only when there is a deadlock or serious trouble or breakdown of the constitution. In no other case, I think, should the Governor have power of interference. The administration should be carried on by Ministers who are responsible to the Legislative Council, and if their policy is not favoured by the public they will be driven out at the next election, or even, if their policy is not liked by their colleagues in the Legislative Council, a vote of " no confidence " may be passed and the Ministry turned out.

The powers of the Governor with regard to the Legislature should be confined to a very few things. I do not think that in future the power of certification will have to be used, or, if used, it will be very rarely. Provision should be made for such powers, but one may expect that they will lie dormant, and the convention may arise that the powers are not to be exercised.

As to the provisions necessary to safeguard the administration of law and order and the rights of minorities, I need not say anything further after this subject has been so fully dealt with by my friend Sir Chimanlal Setalvad.

The third point is whether all special powers should be exercised by the Governor or whether some should be exercised by the Executive as a whole. The Executive will be responsible for the administration of the Province and its advice ought to be taken, but if the action taken by the Executive collectively is to be set aside by the Governor, he will not get the support of the Executive, and, therefore, he will have to take the action independently on his own responsibility. If there is a clash between the Governor and the Ministry, then the Viceroy will have to set up arbitration.

As to the fourth heading, as to how the Governor should obtain advice necessary for the exercise of his special powers, I think this raises a question whether there should be a Second Chamber or a separate council of certain members. That has been hinted at in the Simon Report. I do not think there should be a Second Chamber in the Provinces. My Province has never supported that idea, and I for myself would not suggest that there should be a Second Chamber.

With regard to some special panel of officers to be created for the purpose of giving advice to the Governor, I must say that I also do not support that view. The Governor should take the whole thing on his own responsibility.

With regard to heading No. 5, I need not deal in detail with this, because the question of emergency powers will have to be determined in discussion later on.

Mr. C. Barooah : I rise merely to make mention of one point that has been touched upon by other speakers, though, I think, it has not been emphasised sufficiently, namely, the recommendation of the Simon Commission to give special power to the Governor to appoint Ministers from the officials. No part of the Simon Report has been so seriously objected to by all sections of the Indian people. It means the taking away with one hand what is given with the other. I beg you to report to the Conference that this Committee is very strongly against this recommendation. With regard to the Second Chamber, I have simply to state that neither the Government of my Province nor the people desire to have it. As regards the general observations, I support every word that has been said by Sir A. P. Patro.

Dr. Ambedkar : I propose to divide my remarks under three heads : (1) Provincial autonomy, (2) responsibility in the Provinces, (3) provincial services. I make a distinction between provincial autonomy and provincial Services. It seems to me that the question of provincial autonomy raises the definition of the relations of the provincial Executive and Legislature *vis-a-vis* the Central Government and the Central Legislature. The first remark I would offer on the subject of provincial autonomy is that I am in sympathy with the attitude of those who hold that the time has arrived when the provincial governments ought to be left with as complete an autonomy as is possible under the circumstances, and they should be free from such control as the Central Government

now exercises. But, Sir, I cannot help making this further observation, that viewing the problem of provincial autonomy from the standpoint of the particular class I represent in this Conference and of the interests of India as a whole and the working classes in particular, I think that in any future constitution that we propose to devise for endowing the Provinces with provincial autonomy we must take into consideration certain facts which are bound to limit the character of that autonomy.

The first limiting factor in the provincial autonomy is that it must be made subject to such questions of a provincial character which are, although provincial in nature, also of an All-India character. The Provinces may have their say with regard to these subjects, and yet the Central Government should not be excluded from its jurisdiction with regard to them. For instances, I would like to draw an illustration from labour legislation, legislation affecting tenants and affecting agriculture. These, no doubt, in a country like India, must become provincial subjects, yet I do not think they can be viewed entirely from such a small compass. They cannot be regarded as entirely provincial and without an All-India character. The Central Government must have some jurisdiction over subjects of this character, notwithstanding that it cuts across provincial autonomy.

Secondly, I should state that in dividing the powers of government between the Central and the Provincial Governments in the future constitution of India with a view to giving the Provinces as complete an autonomy as possible, it will be also necessary that such powers as remain undefined must be left with the Central Government. Well, I do not think that there is no other view on that point. But I say that in the present situation in India, where the separatist tendency exists to such as extent as we all know it, where provincial and local parochialism is more dominant than national feeling, while we are building up a Federated India with complete autonomy of the units, we still have the problem of making India as a whole a strong and united country. I would make this further observation, namely, that I do not think that the reservation of powers in the Central Government is likely to affect the autonomy of the Provinces. The reservation of powers as interpreted by the Judicial Committee of the Privy Council in the case of Canada has not had this overriding effect. It means a power that comes into existence in an emergency in a field not specifically allotted to the Provinces. I do not think that the Provincial autonomy should be really affected.

The second thing I should like to observe in connection with this question of Provincial autonomy is that that autonomy must be limited by the affording of protection for the interests of the minorities and of the Depressed Classes. As I visualise the situation in India as it will result from the new constitution, I find there will be certain Provinces in which some communities will be in a majority, but in all the Provinces the Depressed Classes, whom I represent, will be in a minority. They will be in a minority in every Province. I cannot understand how we can at this stage permit the Provincial majorities to have a complete, uninterrupted and undiluted sway over the destinies of these poor people, without any right of appeal being given to the latter in regard to maladministration or neglect of their interests. There must be some authority somewhere, over and above the Provincial Government, which will be in a position to intervene and rescue them from any adverse position in which they may be placed by the Provincial majorities.

These are the three things which, in my opinion at any rate, must limit the autonomy of the future Provincial Governments of India.

Coming to the question of the character of responsibility in the Provincial Governments, my first observation is that the whole question of responsibility in the Provincial Legislature is entirely dependent upon the kind of Legislature that you are going to get in the Provinces. If the Legislature that you are going to get in the Provinces is a Legislature which is going to be a mirror of the whole population of the Province, if it is going to be thoroughly representative and not merely representative as a museum is, where there are a few specimens of every species for the observation of the general onlooker; if every minority and every class which fears its existence will be jeopardised is placed in a position to make its influence felt, than I think in a Legislature of that sort there will be no harm in conceding the principle that Provincial responsibility may be introduced to the fullest extent. That is my first observation.

Making that a condition—that the Legislatures shall be fully and adequately representative of all the classes—I see no objection to the subjects which are now reserved being transferred to popular control.

Coming to the question of whether the responsibility in the Provinces should be joint or should be individual, I have not the slightest hesitation in saying that the responsibility not only should be joint but must be joint. I have been a member of a Legislative Council, and I have seen how Ministries in the Provinces have worked. It has been a most painful experience for me, as it has been the experience, I believe, of many of those who have had the misfortune or the good fortune to be members of a Legislative Council, to find that Ministries have been working as a kind of loose confederation, without having any complete or unanimous view on a particular policy which they adopted. There have been divided counsels, and cases of Ministers not being very willing to support each other.

What has been the result? The result is this, that in no instance have we had any considered policy put forward by the Cabinet as a whole, worked out in detail and placed before the Legislative Council. Things have been done by fits and starts, and I do not think we want our responsibility in future to be bungled in that fashion.

Turning now to the question of communal representation in the Cabinets, I must confess that I am not very much drawn to the suggestion which is often made that there should be communal representation in the Cabinet. I am not, of course, oblivious of the fact—in fact, I am very conscious of it—that if the minority communities are not represented in the Cabinet it is very possible, and even very likely, that in matters of administration which affect their daily lives their interests may be affected very prejudicially by the policy of Ministers whose dominant interest is communalism. I do not forget that for a moment, but my submission is that there is a better way of dealing with that sort of evil, and it seems to me that if the minorities could get constitutional and statutory guarantees laid down in the Constitutional Act itself against anything likely to injure their interests being done or left undone by the Cabinet, the danger which most of us apprehend from the fact that the Cabinets may be communally dominated will vanish, and we shall not have much cause to insist on communal representation in the Cabinet.

Although I am very desirous that the Chief Minister, whoever he is, should recognise or should be made to recognise the interest of having most of the important minorities represented in the Cabinet, we cannot for the moment forget that, after all, a Cabinet office is a very responsible office. A Cabinet Minister has not merely to look after the interests of the minorities; he has to see to the safety and interest of the Province as a whole. That demands ability and competence; it does not merely demand a communal outlook, and it is from that point of view that I look at the matter. I should like to have the interests of the minorities and the Depressed Classes safeguarded in such a manner that constitutionally it would be impossible for Ministers drawn from the majority communities to do anything prejudicial to the minorities or to neglect their interests.

Coming to the question of the relations between the Governor and his Ministry, I think one thing is obvious, namely that no constitution, if it is really to embody full responsible government and collective responsibility, can permit the Governor the power to interfere in the day-to-day administration of the

country. That would run quite across the system of responsible government and collective responsibility. The Ministry must be allowed to carry on the day-to-day administration on the basis of joint responsibility.

When we come to the question of the emergency powers which it is suggested should be left with the Governor, I find myself in a somewhat difficult position, because I do not understand exactly what is meant. Is it meant that when an emergency arises the Governor should simply dismiss the Ministry and have nothing to do with it, and should promulgate whatever laws, ordinances or measures he thinks are necessary to meet the situation, notwithstanding the fact that they are opposed by the Ministry? I do not know what is wanted. I can quite understand the Governor should have the absolute, undoubted and unrestricted power of dismissing a Ministry which he thinks is not acting in the best interests of the country, but I cannot understand how there can be responsible government in a Province in which the Governor is allowed to do a thing without a Ministry. It is one thing to say that the Governor should have a Ministry with which he agrees in a particular emergency, but it is quite a different thing to say that when an emergency arises the Governor should simply disregard the Ministry altogether. I think this point will have to be worked out in some detail, for, as I say, I do not quite understand it.

Coming to the question of the Services, there is one observation I am bound to make. I quite agree in principle that with provincial autonomy the power of regulating the Services in a Province should belong to that Province, and that the Provinces should have full liberty to Indianise the Services as they desire and according to their means and circumstances. The observation which I feel bound to make, however, is this: I cannot forget that Indians are communally minded. We do hope—it is only a hope—that a time will come when all Indians will cease to look at problems from a communal point of view in administrating matters which are left to their charge, but that is only a hope; it is not a fact. The fact is that Indians do discriminate between class and class, community and community, in administering such discretion as is left to them in their administration of the law. That is a fact I cannot get over; it is a fact from which I have suffered immensely. My fear with regard to the future constitution of India is that having regard to the present position of the depressed classes, having regard to the fact that education is not widely spread amongst them, and having regard to the fact that there is hardly a single individual holding a gazetted post in the Bombay Presidency, for instance,——

A Member : There is one.

Dr. Ambedkar : Yes, there is one, and that is the exception which proves the rule. You know how much trouble I had to get him in! I very much fear that this Indianisation may work out as a tyranny, and therefore, from my particular point of view, I should like to emphasise that at any rate for some time it will be necessary to maintain a British element in the Services. I do not say there should be no Indianisation, but I do say that, having regard to our interests, it should be rather slower than some people desire it to be.

These are the general remarks that I wish to offer from our point of view.

Raja Narendra Nath : I did not intend to make any remarks in this general discussion, but after hearing the speeches to which I have listened I cannot remain silent. I am fully aware of the general demand for the transfer of responsibility, and I am in full agreement with the majority of the speakers who have given expression to their opinions.

The question of joint responsibility has been dealt with, and most of the speakers have advocated the propriety of that principle. I myself think that there can be no responsible government in the proper sense of the term unless the principle of joint responsibility is fully enforced. But I am in agreement with the last speaker when he says that so far the principle of joint responsibility has only been nominal. If the principle of joint responsibility has anywhere worked satisfactorily it is in the Province of Madras, but in other Provinces this principle cannot work under the existing structure. I do not wish to anticipate the recommendations of other sub-Committees, and I wish to avoid questions of a controversial nature, but in most of the speeches I have heard today nothing beyond what has been proposed by the Government of India in their Despatch has been advocated. Even in that Despatch I draw your attention to the concluding words of paragraph 46: "It has been admitted that in some Provinces we anticipate that cabinets may for some years to come require to be formed definitely on coalition lines." I do not wish to go into details, nor, as I have said, to anticipate the recommendations of other sub-Committees, but this concluding sentence of paragraph 46 is full of meaning, and I wish to remind those gentlemen who have advocated the principle of joint responsibility that if the structure of the Council remains what it is, joint responsibility will not be enforced in all Provinces; it will not be possible to enforce it.

The last speaker has referred to the case of minorities, and although between the minority which I represent and the minority which he represents there is a great distance, still I am in full sympathy with him that the interests of the minorities are apt to be neglected unless proper safeguards are adopted. The inclusion of persons in a Cabinet representing minorities is no doubt a sound principle, and one way of safeguarding minority interests, but it is inadequate. The appointment of Public Service Commissions has been suggested by the Simon Commission, and also recommended by the Government of India, but even that, in my opinion, is not sufficient. There must be some definite pronouncement in the constitution itself declaring minority rights unassailable by a majority community, whether that majority is of race or of creed. I know that on the question of minorities there can be no difference from the religious or racial point of view; we are all united on that point. I hope that the present discussion will help to dispel any mutual suspicions and unite the minorities all on one point.

Sir Chimanlal Setalvad dwelt on the necessity of the vesting of disciplinary action in the Ministries. He was of opinion that if the Services under a Ministry were to work in proper subordination, the power of disciplinary action should be vested in the Ministry. That was perfectly true, but there is one exception. It depends upon the source of recruitment. If the recruitment is from abroad, and persons have come on a certain covenant and agreement it will be difficult to have the same rules of discipline over them as over the Services recruited locally. As the discussion develops I may be able to contribute something further.

Chairman : The hour has arrived when we should terminate this sitting. If it meets your convenience I would suggest that the sub-Committee meet again tomorrow morning at 11 o'clock. (Agreed). I may add that the sub-Committee should reconcile itself to sitting on the morning and afternoon of Monday and probably on other days of next week.

(*The sub-Committee adjourned at* 1 *p.m.*)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. II (PROVINCIAL CONSTITUTION) HELD ON 5TH DECEMBER, 1930.

Chairman : I want to make a statement with regard to some of the points that were raised at our sitting yesterday. A point was raised, I think, with regard to the list of Provincial subjects. These questions are primarily for the Federal Structure Sub-Committee and should only be discussed in the Provincial Constitution Sub-Committee to the extent which is absolutely essential to get a clear picture of the Provincial constitution. As proposed by the Prime Minister, co-ordination on this subject between the two sub-Committees can be achieved only by a joint meeting at a later stage. That is the position so far as that question is concerned.

I think something was said with regard to the franchise. So far no provision has been made for the consideration of this subject, but I think it is clear a sub-Committee will have to be set up, and I am hoping that that sub-Committee will be set up at an early date, possibly at the next meeting of the Business Committee.

With regard to the composition of Provincial Legislatures, sub-Committee No. II cannot well avoid considering such points as the size of the Provincial Legislature and the elimination of the official bloc, but questions of communal representation and the representation of special interests in the legislature ought, I think, to be deferred for the consideration of the Minorities sub-Committee.

I think there was a question raised yesterday morning with regard to the North West Frontier Province. The question of the constitution contemplated for this Province could be dealt with by sub-Committee No. II after it has accomplished its main work, but on the whole it seems better, subject to the agreement of the Committee of the whole Conference, to set up a separate sub-Committee to deal with this question after sub-Committee No. II has reported, the terms of reference being : " What modifications, if any, are to be made in the general Provincial constitution to suit the special circumstances of the North West Frontier Province." I hope that will be accepted.

With regard to our proceedings to-day, taking item 1 of the list I submitted yesterday, namely, " Is it practicable to abolish the distinction between reserved and transferred subjects ? " I think we can say there is general agreement that that distinction should be removed.

Lord Zetland : On that point, of course, one very important question arises, namely the question of the transfer of Law and Order. Surely that is a question which will have to be considered ?

Chairman : That is so. Speaking generally I think we could agree that the distinction should be removed, but anything that we do in this sub-Committee must fit in to the whole scheme that will eventually emerge from the other sub-Committees, and the question of Law and Order might be one of the subjects that would have to be fitted into the whole scheme. I do not know that I can say at this moment that that subject should be definitely reserved.

Lord Zetland : My point is this. The first point you have put down, is, " Is it practicable to abolish the distinction between reserved and transferred subjects ? " I should certainly say with regard to some subjects that it is practicable, but I should not be prepared at this stage to say that it is practicable with regard to all subjects, and the important subject which I have in mind, of course, is that of Law and Order. That is one of the most important questions of all, and I should have thought that question arose for discussion under this heading, unless you suggest, Sir, that it should be discussed under some other head.

Chairman : If the general statement that I have just made is not acceptable, then of course we will discuss it now, because I was going to pass on—keeping in mind that everything must eventually fit into the whole scheme—to discuss items (*a*) and (*b*) under No. 2. Unless there is general agreement with regard to what I have said on the first paragraph, then of course we must discuss it.

Mr. Wood : If the general discussion were allowed to proceed for a short time longer, these points might be brought out. We have heard only about four people, and no points such as Lord Zetland has raised have really emerged. I thought the idea of the general discussion was to bring out points of difference so that we might then decide whether we could accept the general principle of the transfer of all subjects. Personally I should like to say a word or two in the general discussion and refer briefly to this question of Law and Order which Lord Zetland has raised and possibly he himself wishes to speak on that subject, before we can say whether we accept the general principle of transfer.

Chairman : I gathered yesterday there was a feeling we might pass away from the general discussion and get down, as Lord Zetland suggested, to dealing with the various points that are raised in this list of subjects which I put before the sub-Committee at its opening meeting yesterday morning. Whatever has to be said with regard to the question of Law and Order can be said on this first item just as well as in the general discussion. I feel sure I interpreted the wishes of the sub-committee correctly when I said we were satisfied we could accept the suggestion Lord Zetland made yesterday morning and commence to take these questions separately.

Mr. Wood : I think there are several people who would like to raise certain points which they would wish to have specially discussed later on, with the object of concentrating attention on those particular points.

Chairman : You will not be debarred from doing that as you go through the separate questions. I am quite in the hands of the sub-Committee, and if you want to give up more time to a general discussion I must accept your view, but it seems to me you are with me in thinking that we should now proceed to deal with these questions one by one.

Mr. Wood : If that is the case may I ask about a subject which was dismissed yesterday as accepted. A certain opinion seemed to be accepted without any argument on the subject of Second Chambers.

Chairman : I beg your pardon ; no question was dismissed at all. It may have been referred to in some of the speeches, but there has been no question of dismissing anything.

Mr. Wood : I mean, referred to in the speeches.

Chairman : Yes, but that does not mean that anything has been dismissed ; at the appropriate time you can raise that issue. We will now discuss the question of whether it is practicable to abolish the distinction between reserved and transferred subjects.

Mr. Chintamani : Have you invited discussion on this point ?

Chairman : Certainly.

Mr. Chintamani : I think there can only be one answer to this question, and that answer is in the affirmative. I go further and say that it is not only practicable to abolish the distinction between reserved and transferred subjects but that it is desirable to do so ; indeed, it is necessary and indispensable.

One very interesting point in connection with the working of Provincial Governments under the present constitution is this. Dyarchy has succeeded in the Provinces in the measure in which in actual administration there has been no dyarchy. Wherever a Governor has treated the whole of his Government,

Members of the Executive Council and Ministers, on a common footing, and has placed before meetings of the entire Government all important questions which have come up for consideration, and has abided by the judgment of the majority of his colleagues, by whatever name they were known, there, in that Province, the Government have succeeded in carrying on the administration smoothly and with the maximum of support from the Legislative Council.

Where, on the other hand, the letter of the Dyarchial constitution was strictly adhered to and Ministers were kept at arm's length, they had trouble with their Council and their measures were unpopular in the Province.

There is another peculiar feature in connection with the working of the system of dyarchy to which I think I should invite your attention. Under the present constitution the Governor is left as the sole and absolute master to determine in connection with what questions he will take the Ministers into consultation, and at what stage he will not do so. It depended on the varying mind and mood of the Governor whether Ministers were throughout in consultation or throughout kept out, or whether, in connection with the self-same subject, they were brought in at intervals and kept out at other times.

Responsibility was blurred, as it were, and at different times Ministers were in and out, and the Legislative Council could not definitely know to what extent those members of the Government who in law were responsible to it could be held accountable for the decisions of the Government or of the Governor in Council. As was pointed out by the Governments when the Montagu reforms were under consideration, there is so much inter-dependence of subjects under all Provincial Government that it is impossible to make a clear cut. Take, for instance, the financial question. It was understood at the beginning that finance would be neither Reserved nor Transferred, but common to both halves of the Government. Finance was made a Reserved subject, and it was laid down that no Minister should hold the Financial Portfolio. Therefore the Transferred subjects and the Ministers in charge of them were at a considerable disadvantage in comparison with executive councillors and the subjects under them, when it came to the distribution of Provincial Governments between one branch and another. It has been almost an insulting provision in the rules under the Act that a man, however competent, should be ineligible to hold the position of Finance Member simply because he was a Minister and not a member of the Council. One reason that was given was that it would be difficult to find in the ranks of the elected members of the Legislative Councils men competent to hold the position of Finance Member. But, Mr. Chairman, if you run your eye through the names of various Provinces during the last ten years, and take a little more trouble to find out the results of financial administration, in Province after Province, you will inevitably come to the conclusion that it has not been such a pleasant thing to the Provinces to have I.C.S. financial pundits as finance members, and to have debarred every Minister from the charge of that subject. The people of the Provinces have made up their minds, first of all, that there shall be an end of this plague of a Dyarchical system, which does not work as a strictly Dyarchical system, and if it is not worked as a Dyarchical system leads to chaos and confusion. Another point on which the people have made up their minds is that the Unitary Government to which they aspire shall be a Government representative of, and responsible to, the Legislature. I do not think that any difficulty will be experienced in actual administration in working this proposition into details of rules or provisions of the Act. I was glad and relieved yesterday to find that the noble Marquess—who, if he will permit me to say so, was such a highly successful and popular Governor of one of the most difficult Provinces in India, and who most pleasantly belied the apprehensions which had existed by the manner of his administration—said yesterday that it was common ground that the distinction between the Reserved and the Transferred subjects was impracticable and should be abolished. The Simon Commission had, he said, recommended it and the Government of India had approved of it in their Despatch. He will, however, pardon my saying that the kind of responsible Government that the Simon Commission recommended is, in truth, nothing but a bogus Provincial autonomy with reservations, qualifications and safeguards recommended by the Commission. All representative powers were to be in the hands of the Government, as was also the election of other members, and the I.C.S. Secretary would be more like a spy upon a minister than anything else. Thus, taken all together, these provisions negative the value of the kind of autonomy which the Commission recommended. When we unofficial Indian public men speak of autonomy and Provincial Government, we have in mind something very different from what the Simon Commission contemplated. I hope this point will be borne in mind all along the line, when the assumption is made that the Simon Commission and we are on common ground in regard to Provincial autonomy. Moreover, no revision of the Government of India Act will be of any value whatsoever unless the provision is made that we shall have unitary responsible governments in the Provinces, unhampered by restrictive provisions in the name of safeguards. Let not reform be afraid of itself!

Sir Chimanlal Setalvad : I agree with my friend concerning the proposals of the Simon Commission with regard to Provincial autonomy. If we are going to have it, let it be a real Provincial autonomy, and not merely a name. I am afraid that the proposals of the Simon Commission reduce it merely to a name. If the Government is to have all the Reserved powers that they recommend; if a considerable portion of the budget items are still to be non-votable; if officials are to be ministers, and if all the rest of the provisions are to be put into effect; then it is no longer possible to call such an administration Provincial autonomy. I therefore submit that the time has arrived when that distinction ought to go entirely.

With regard to the point raised by Lord Zetland concerning Law and Order, I venture to submit that it falls into two divisions. In one there is the general principle of whether this distinction should be abolished. If that conclusion is once arrived at, then what are to be the safeguards? For this reason Law and Order are specifically mentioned. This should therefore wait for a later stage, when we have arrived at a general agreement that this distinction should be abolished, and that all subjects should be transferred. It will then be possible to consider certain exceptions.

At present what happens with regard to ministers is this. No doubt the Montagu-Chelmsford reforms intended, when certain subjects were to be transferred and administered by the ministers, that the ministers, and the Legislative Council who have elected them, should have real control over the transferred Departments. In practice, however—and partly as a result of a certain provision of the Act to which I shall allude later—although the members of the Council were each in charge of a Department, nevertheless every action that was taken was taken in the name of the Governor in Council. The result was that, if a member in charge of a department disagreed with the Governor, he had the right to have the matter brought up for discussion before the whole Council. If he could persuade his colleagues to adopt his view, he could thus secure a majority in the Council.

Further, in certain instances, that Member of Council had the privilege, if the majority was against him, of having his view on certain matters submitted to the Indian Government.

Contrast that position with regard to reserved subjects with the position of a minister with regard to transferred subjects. In matters concerning transferred subjects, the Governor is the person who conducts the administration. It is said that he conducts it " with the advice of the Ministers," but if the Governor disagrees with their advice, it is

entirely open to him to act contrary to it, and the minister has not even the safeguard of convening the whole Ministry, as a member of the Council can convene the Council. The Governor, therefore, became, in respect of transferred subjects, practically an autocratic ruler who was not bound to follow the advice of the minister, and the minister had no redress. The position is very clearly put in Section 52, clause 3, of the Government of India Act:—

> " In relation to transferred subjects, the Governor shall be guided by the advice of his ministers unless he sees sufficient cause to dissent from their opinion."

There is no qualification there ; he must see sufficient cause to dissent. If he sees cause he is not bound to follow their advice, in which case he may require action to be taken otherwise than in accordance with their advice. In practice, this position rendered the ministers absolutely impotent in matters of policy where the Governor took a different view ; they were over-ridden and the Governor's view prevailed. The result was that the Legislative Council, whose confidence the ministers possessed, was also in effect set aside. I submit that, if there is to be real popular responsibility and real Provincial autonomy in the right sense, these provisions must go, and in departments transferred—and we say that they should all now be transferred—the ministers, with a joint responsibility, should have the final voice in carrying out the administration, the Governor being merely a constitutional Governor.

No doubt it may be necessary in certain matters to have a reserved power—as my friend pointed out—in Law and Order or with regard to any matter which may affect the peace and tranquillity of the Province. This should be clearly defined. It might be necessary to reserve certain emergency powers to the Governor. But beyond that, in the ordinary day-to-day administration of the Province, in settling the policy to be pursued in various matters, the Minister's voice should prevail, the Governor only acting as constitutional Governor.

Chairman : I should like to know whether, in view of the two speeches which we have heard, we could not dispose of Question 1, seeing that almost any point concerned in it can be dealt with under the sub-headings of Question 2. I do not know whether his Lordship would like to discuss his point on Question 1, or whether he would defer it until we consider sub-heading 2 (1), The Administration of Law and Order.

Lord Zetland : I am quite prepared to defer my point until the discussion of Question 2, if you think that is more convenient. It makes no difference to me.

Chairman : I think that the general opinion would be that Question 1 should be accepted: that we agree that, generally speaking, it is desirable to remove the distinction. We can therefore now discuss Question 2 (*a*): The Constitution and Composition of the Executive. I do not know whether the sub-Committee would like to discuss (*a*) separately from (*b*), or whether (*a*) and (*b*) should be the subject of one discussion. That, again, is entirely in the hands of the sub-Committee.

Sir A. P. Patro and *Mr. Jadhav :* They should be discussed separately.

Sir Chimanlal Setalvad : If we had decided on Question 1, would it not be more convenient to take the second part of Question 2 first ?

Chairman : I should prefer to take the questions in the order in which they appear. I think that considerable advantages are to be obtained by first deciding on the Constitution and composition of the Executive.

Sir Ghulam Hussain Hidayatullah : Yesterday, in the general discussion of this point, there arose divergence of opinions. In my opinion the powers of the Governor in regard to the Constitution and Composition of the Executive may be left unrestricted, provided that he form a ministry out of the elected members. It is generally said that we have not developed parties on principles of policy. That may be true in some places, but there are Provinces where parties exist. In those Provinces a Governor can elect a Chief Minister from a party knowing that that party enjoys the confidence of a large section of the Legislature, and can, in consultation with the Chief Minister, elect the other ministers. At the same time, he ought to have the liberty, in those Provinces where he cannot form a powerful ministry which can enjoy the confidence of most of the members of the Legislature, to form a ministry out of various groups ; that is, a sort of coalition. In both cases, however, the ministries should be jointly responsible to the Legislatures.

Sir P. C. Mitter : The relevant points are : first, whether there should be official ministers. That is the recommendation of the Simon Commission concerning the Executive. We are all of opinion—at any rate I am, and I believe that many of my friends here will agree with me—that the scheme of the Simon Commission with regard to an official minister will never work. The official bloc will no longer be there. The very existence of the official minister will place him and his colleagues in a position of great difficulty.

Incidentally, I should like to draw the attention of the Sub-Committee to the Report of a Committee which sat in London and was presided over by Sir John Kerr, and whose secretary was Mr. Pilcher. That Committee came to the unanimous conclusion that official ministers would not work. I merely ask the Sub-Committee to peruse that document. The members of that Committee had many of them had long Indian experience, and many were Indian officials.

As regards the respective merits of a Chief Minister or a coalition ministry : here again, we should remember that in all probability we shall not have an official bloc. If there is no official bloc—as is the desire of the Indian Section—then, whoever may be the Chief Minister or whoever may form the ministry must be able to carry a majority of the House with him. At the present moment, to take my Province of Bengal, we have an official bloc of 26 out of a House of 140, and, over and above that, a team of non-official British and Anglo-Indians, who, in 95 per cent. of cases, vote with the official bloc. Therefore, in a House of 140, the ministry starts with a solid bloc of 44 ; and if it can, from the different groups, obtain 26 more votes, it possesses a majority. With the disappearance of the official bloc and of the nominating element, there will remain only the European and Anglo-Indian group, who may not agree with the ministry. Assuming that a ministry be formed of my friends of to-day, I may safely assume in future that the European group will not agree with the ministry unless they are willing to see eye to eye with it. Again, our Province contains Hindus and Muslims fairly equally divided and, further, there are the backward classes. A true party system under these conditions will be difficult to run for some years to come. I am, however, one those whose past experience justifies them in the belief that, as the work is carried on, the elements of the party system will emerge, more according to the realities of each Province than according to the theoretical politics with which we are more familiar. Our party will probably be the rural party, as I understand exists in the Punjab. Therefore, on the relevant point we are discussing on Question 2 (*a*), I think it is futile to lay down as a hard and fast proposition that there must be a Chief Minister who must be consulted in the election of the other ministers. It would be equally futile to lay down a hard and fast proposition that there should be no Chief Minister. A Governor who knows his business will try to act as much as possible as a Constitutional Governor. The instructions to the Governor—Instruction No. 6—say (even under present conditions), that, in considering a minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, the Governor shall have due regard to his position and to the wishes of the people of the Presidency as expressed

therein. No doubt, Section 52 (3) makes it competent for a Governor to disregard the advice of his minister. Constitutionally, he has the liberty to do so. Nevertheless, a minister who knows his work and can be firm, and a Governor who knows his duty, need not come into conflict.

I had the privilege of holding every portfolio in the transferred departments—barring the Excise Department—and I can say that there was no occasion on which I was overruled by a Governor or on which a Governor did not accept my advice. I have worked with three Governors, including Lord Zetland, and only on one occasion did a certain Governor suggest that my advice should not be accepted. All that I had to do then was to point out this Instruction No. 6, and he at once gave in. Then, however, I was not only minister at a time when I was one of the leaders of a party in a ministry in Bengal with a solid following, but I also held office in more difficult days when, with the Swaraj group in power in great numbers, and without an official bloc, I was powerless. Without an official bloc under the command of the Governor, I could not get my policy passed. Even under those circumstances there was no occasion on which I was overruled. That being so, it is most important for the future—Dyarchy or no Dyarchy—and it will be of greater importance when there is no Dyarchy—and when every department will be transferred—not to lay down cast-iron rules, for they will never work. A good deal must be left to the judgment of the ministers and of the Governor. If, for example, you lay down a rule that the Governor must accept the advice of his minister, and at the same time you say—as is, no doubt, our Indian Nationalist demand—that the Governor must be a true Constitutional Governor, what will happen with regard to cases such as those mentioned by my friend Sir Chimanlal Setalvad? When there is a serious breakdown we all agree that the Governor should intervene. Cannot a true constitutional monarch intervene in your country when there is a breakdown of Law and Order? We should try to act up to that ideal, but it will best be attained if we work with more elasticity, and that the Governor should discuss questions at length with the ministers with whom he has to deal. If the ministers are in a majority, to overrule them will set the whole country ablaze. My Province has a population of 46 million and other provinces are also large. If the whole country is ablaze, the Governor should remember that he will come into serious conflict with the people. If he comes into conflict with the people owing to his doubtful orders and there is a breakdown of Law and Order, then he will have to rely on martial law and a Governor who knows his job will hesitate to employ this measure. Those of us who believe in evolution have great faith in the maintenance of law and order. Without it our education cannot progress. Our masses are in a very backward condition, and can never improve unless the structure of society be maintained. That being so, why should there be that distrust of the ministry? I realise that at times passions may be roused. I come from a Province where, unfortunately, in recent years there have been communal conflicts between Hindus and Muslims. When such conflicts occur it is the tendency of some Governors to think that the mere presence of a few British officers is sufficient. I say emphatically that, in such cases, a few British officers are powerless, for this reason. We all know how a particular British officer —Mr. Blandy—was severely castigated in the Legislative Council because he took a certain action with regard to the Muslims and exasperated their feelings. Similarly, in the disturbances at Dacca and Mymensingh, Hindu feelings were inflamed and exasperated, and a British officer was severely criticised on the platform, by the press and in the Legislative Council. With complete transfer and one party in power, what can a British officer do? We are perhaps too much obsessed with the conditions which obtain at the present moment, but when passions are aroused the Governor ought to have certain reserve powers. These powers should however, take note of Nationalist sentiment.

If the Governor on the slightest provocation can set at nought his Ministers, then the constitution will never run smoothly. On the other hand, law and order have to be maintained. There must be some means available which will give reasonable people time to reflect, and I am one of those who think that one way of achieving this end and giving reasonable people time to reflect is the setting up of Second Chambers. I do not say that Second Chambers should be set up in every Province; there is no need to set them up in Provinces which do not want them, and where there is no risk of communal or other conflicts; but I think they will be found useful in certain Provinces and that they will be wanted there. A Second Chamber, however, must not be an aristocratic Chamber, a blind copy of your House of Lords. If a Second Chamber has to be established, it should be more on the lines of those found in some modern constitutions.

My contention is that neither giving reserve powers to the Governor and allowing him to intervene at the slightest provocation, nor giving no powers to the Governor, will do. You must give the Governor time to think and you must give the people time to think. A Second Chamber is not being discussed here on its own merits; I merely indicate that that is one way of doing it, and that the Second Chamber which I for one would advocate would never by a Second Chamber of stakeholders.

It may be that such men as Mr. Chintamani and Sir Chimanlal Setalvad will not be elected to the Lower House. I myself have given more than 36 years to public life, and I may not be elected. I think if possible we should have some chance of contributing our wisdom to the State. I see Mr. Joshi laughs, but he may never be elected and it might be an advantage to have him in a Second Chamber.

Mr. Joshi: I have no such ambition.

Sir P. C. Mitter: I have the ambition to serve my country in the Legislature. So far as the composition of the Executive is concerned, we have seen that it will not do to have official Ministers.

With regard to the representation of minorities, there again it is a question whether, in forming a Ministry which will have the support of a majority, a minority can be taken in or not. If the taking-in of a minority will make a Ministry a minority and not a majority Ministry it would not work, but whenever possible minorities should be included. I would give a good deal of elasticity to the Governor and to the Ministers. I should amend Section 52, Clause 3, and I should also amend the Instructions to the Governor, though I am not going into details about that, so that on the one hand elasticity should be left to the Governor and on the other hand the powers of the Ministers should be properly safeguarded.

Chairman: It seems to me the speech to which we have just listened indicates the difficulty of taking these points separately. I want to guard against having each of these subjects discussed twice over; we cannot afford the time for that. If you feel you cannot discuss the constitution and composition of the Executive without encroaching upon some of the other points which are mentioned in item 2, I should like to know whether it would not be better to discuss the whole of item 2 at the same time. I have listened to the last speech very carefully, and I could not rule the speaker out of order because indirectly, I think, nearly every point he raised had some reference to the constitution under which the Executive is going to work. If you want to narrow the discussion down strictly to (*a*) I am quite agreeable, but I am afraid you will go over the whole thing many many times before the discussion on these various points is concluded.

Sir Cowasji Jehangir: I should like to discuss (*a*) only and confine my attention strictly to it, so as to get it out of the way.

Chairman: Very well.

Sir Cowasji Jehangir : It concerns the constitution and composition of the Executive. As to the composition, I think many of the Delegates who have already spoken have clearly indicated that it should be constituted only of elected members of the Council, and that no power should be given either to a Chief Minister or to a Governor to appoint a Minister who is not an elected member of the Legislative Council. That rules out the suggestion made in the Report of the Simon Commission.

I do not desire to go into this question at any great length ; so many speakers have dealt with the subject. Merely in passing, however, I should like to say that I agree the appointment of an official as a Minister would be an impracticable proposition in a constitution as we visualise it at present ; it would bring in dyarchy all over again. We may argue that that official Minister would have to resign with the whole Ministry on account of there being joint responsibility. You will quite realise, Sir, the difficulties of such a situation. A paid Government official is appointed a Minister, and has charge of certain very important portfolios. He will naturally have charge of the most important. Within six months the Ministry may go out and he has to resign, but the result will be that the Governor will re-appoint him.

Sir Chimanlal Setalvad : That is what the Simon Commission Report says.

Sir Cowasji Jehangir : The result will be that in practice the vote of censure will not apply to him. he will go out with the others, but he will come in again with the next Ministry. That is one point. Moreover, how can he be responsible to the Legislature for his own Department when he has been appointed directly by the Governor ? It will be a form of dyarchy which may turn out to be worse than the present form, and therefore we rule it out ; and, if we rule it out, I do not think there is anything further to be said as to the composition of the Executive.

I am not going to touch on the question of the minorities in connection with the composition of the Executive, because I understand it is a question which will be discussed by another sub-Committee.

Chairman : But the rights of minorities can also be discussed here.

Sir Cowasji Jehangir : I am quite prepared to express an opinion on this matter.

Chairman : Not at this moment, however.

Sir Cowasji Jehangir : No, but with regard to the composition of the Executive it does come in.

Chairman : Yes.

Sir Cowasji Jehangir : But I am deliberately leaving it out, and for two reasons. It forms a very important reference to the sub-Committee which is dealing with it. We know that one important minority in India—we may call it a minority, although its population is seventy millions—has claimed that in every Government formed in India it shall be represented. I think the best place for considering that claim is in the Minorities sub-Committee, because there are delegates who are not members of this sub-Committee but who will play a very important part in the discussion of that matter ; and therefore without their presence here I personally do not desire to go into this question. My feelings and my sympathies may be with the minorities to a certain extent, or I may consider that sometimes they go too far ; but there will be nobody here to rebut those arguments, and therefore in the absence of some delegates who will play an important part in this discussion I do not think we can usefully debate this matter here. We might come to one conclusion and the Minorities Sub-Committee might come to another. Therefore I not only beg to be allowed to leave out all reference to this question, but I appeal to all the other delegates not to touch on it at this stage. I leave out this question when discussing the composition of the Executive.

Coming to the constitution of the Executive, so far as I can see there has not been the absolute unanimity I should have expected ; one or two of our friends have expressed some doubt as to whether the principle of always appointing a Chief Minister will work in all Provinces. When we talk of a Chief Minister, I think we must carry that suggestion to its logical conclusion. The appointment of a Chief Minister means that that Chief Minister will advise the Governor as to the appointment of all the other Ministers. If it means that the Governor makes his choice and, after having chosen the Ministers, chooses one as Chief Minister, and that Chief Minister merely becomes the Leader of the House, in my opinion that is placing a wrong construction on the term " Chief Minister " ; you might as well call the person so selected the Leader of the House. It would mean that the Governor would appoint the Ministry and would appoint one man as Leader of the House. My conception of a Chief Minister is that the Chief Minister should not only be the leader of the House but should have a very substantial voice in the appointment of the Ministers.

I would go a step further and say that the advice of the Chief Minister should not be turned down by the Governor in the appointment of Ministers ; I would make the Governor a constitutional Governor in the right sense of the term. I know there is a school of thought which believes that the Chief Minister should not even submit the names of the Ministers to the Governor for approval, but I think that is carrying things a little too far. I quite agree the names should be submitted to the Governor for approval, and that unless the Governor can see very strong reasons for objecting he should accept those names ; but, if he does not accept a particular name, what will be the consequence ? There can be only two results. The Chief Minister may leave out the name and substitute another for it, seeing the reasonableness of the Governor's objection, or the Chief Minister can refuse to form a Ministry, and the Governor must find another Chief Minister. Those are the two alternatives, and I think that should be the position. If the Governor cannot agree to a name submitted by his Chief Minister he must find another man as Chief Minister who will submit other names. That should be the constitutional position.

I realise that in some Provinces and at certain times it may be very difficult for the Governor to find a man amongst the elected members who will be in a position to submit names for a Ministry with any confidence that his Ministry would last for any length of time. I fully realise the difficulties, but I am not going to exaggerate them. There are difficulties, and none of us round this table who has had any experience of government in India desires to minimise those difficulties. We all hope—and I believe we have some foundation for the hope—that with the new constitution as we visualise it those difficulties will decrease.

But we must face the facts. Let us suppose a situation does arise when the Governor cannot find a suitable Chief Minister who is in a position to submit a list which the Governor feels with confidence will be a list acceptable to the House. What will be the position then ? Well, Sir, in those circumstances I think the Governor should be under the control, direction and supervision of the Viceroy, and he should not form a Ministry or appoint Ministers on his own, choosing one man as Chief Minister merely as Leader of the House, without the approval of the Viceroy. By that I imply that the Governor must make every effort to find a Chief Minister who can submit names, but failing that I can see at present no alternative to the Governor appointing a Coalition Ministry drawn from the various groups. In most cases the Chief Minister himself will do that, but I am thinking of a contingency which may conceivably arise. I think it is a remote contingency ; I do not think it is a contingency which will arise in every Province on every occasion. I do not agree with Sir P. C. Mitter that this contingency will continually arise.

Sir P. C. Mitter : In my Province it will continually arise.

Sir Cowasji Jehangir : Under the new circumstances I do not think it will continually arise, but I am prepared to consider any safeguards which may be necessary in the contingency of the Governor not being able to find a Chief Minister.

My friend Sir Chimanlal Setalvad has referred to Clause 3 of Section 52 of the Act. It has been my unfortunate duty to have to protest against that Section on more than one occasion, because I felt that in my experience it had been misinterpreted. I never could bring myself to believe that that Section meant that the Governor could interfere with a Minister upon every possible occasion, as has been the case in some Provinces. Petty appointments have been refused by the Governor under that Section. Reading the Report of the Joint Committee, I have always held that that Section of the Act should be interpreted more or less in the spirit in which Section 50 of the Act is interpreted with regard to the Executive Council. In Section 50 the Governor is given the power to overrule his Executive Council if the "safety, tranquillity or interests" of the Province are likely to be affected. He has to submit his reasons for having done so in writing, and each Member of the Executive Council has to put down his reasons in writing for the decision he has come to.

I have always considered that Section should be interpreted like Section 50, but unfortunately it was not. The result was that dyarchy became a failure. I desire that we should not run any risks of that sort in the future, but I think that may be discussed under a separate heading, and therefore I do not desire to express my views on that very important point.

Mr. Joshi : May I say, Sir, without making a long speech, that I think hereafter we should have an Executive which will be wholly unitary in form. The Governor should be under an obligation to appoint a Chief Minister, and that Chief Minister should appoint his own Ministry. It is quite true there will be several communities to be represented, but what the Governor is expected to do in that connection will be done by the Chief Minister. No Chief Minister can run his Government if he neglects the principal groups in the Legislature. If a minority is represented or a particular interest such as landlords or labour, if they are sufficiently represented, that is, in the Legislature, no Chief Minister will be able to form a Ministry commanding a majority unless he takes into consideration the claims of the different communities and the different interests.

Personally, I think there is nothing very special in the mind or the heart of the Governor which entitles him better than a Chief Minister to take into consideration the claims of the different communities. As a matter of fact, the Governor will be more or less an irresponsible individual so far as the formation of the Ministry is concerned. It is the Chief Minister who is responsible for conducting the Government, and therefore the Chief Minister will be more careful in forming his Ministry than the Governor would be. If you once give power to the Governor to appoint any Minister he likes, the Governor will have the power of making mischief. By choosing men from different groups he may try for some time to paralyse the Government. The Chief Minister, on the other hand, who will have the responsibility of conducting the Government, would not in those circumstances be responsible. I therefore think it would be wrong to give the power to the Governor to appoint the Ministers from different groups, because it would mean a temptation to the Governor to try to rule by selecting men from different groups. It do not think the Governor will succeed in such an attempt, because he will have to get a majority for his Ministers, and the Ministers will not be able to obtain a majority in such circumstances.

With regard to reserving seats in the Cabinet for the minorities, I do not think that is necessary. If a minority has a sufficient number of votes in the Council, no Chief Minister can neglect that minority. After all, there will be a Ministry of about 10 people, and if a minority has 10 per cent of the votes I do not think it will be possible for anyone to form a Ministry stable enough to continue for a month if a minority of that kind is neglected.

The Council is not going to be divided by communities, because it will not be considering—except perhaps once in six months—communal questions ; it will be considering questions affecting the interests of landlords, merchants, labour and so on. The Council is bound to be divided on those lines, and therefore no community can be kept out. Moreover, a substantial minority has always in its hands all the Parliamentary methods of making it difficult for any Chief Minister to carry on his government. That can be done even by a small minority ; even a small minority can make it difficult for a Chief Minister to carry on unless he satisfies its desires.

With regard to the question of official Ministers, it would be a great mistake to appoint a man as a Minister who is not an elected member of the Council. I cannot myself see how such a man could really play the part of a responsible Minister.

Finally, I should like to refer to one matter which has not yet been dealt with by anyone. When discussing the constitution and composition of the Executive, I feel that hereafter active members of the Civil Service should not be appointed as Governors. If a member of the Civil Service retires, after five years at home he might come back as a Governor, but at the time he is working in the Service under the Government he should not be appointed Governor.

Mr. Zafrullah Khan : I think we should be clearer as to what is meant with regard to the different points if the members of this sub-Committee would realise that in framing proposals for the constitution we should keep in mind the fact that there are some matters which must necessarily go into the Act, and with regard to which there would be no question of discretion, while there are other matters which might be dealt with by being included in the Instrument of Instructions to the Governor, and there are other matters on which, though we may arrive at unanimous conclusions and record those conclusions, yet they can only be allowed to grow by way of conventions. It is not every matter that we can insist on being included in the Act, and whenever we speak of a discretion being left to so and so and so and so, and yet say that our wishes are that such and such a thing should be done, we must understand that those matters must be allowed to come in by conventions.

Once we realise that distinction, it should be easier to arrive at unanimous conclusions and have them recorded than if each of us insists that our views with regard to any particular matter should form part of the rigid constitution on that point.

Several points have been discussed this morning with regard to the composition and constitution of the Provincial Executive which are matters where a certain amount of discretion would have to be left, say, to the Governor, and therefore those matters should be approached from that point of view. There are one or two matters with regard to which, however, I am sure all of us would wish to have no discretion left to the Governor.

With regard to these matters which concern the constitution and composition of the Ministry, having recorded our general conclusion under the first head that all subjects may now be transferred, we immediately arrive at the conclusion that the Cabinet shall consist of what are known as Ministers, and we have unanimously expressed the opinion, so far, that the Ministers shall be chosen from among the elected members of the Legislative Chamber of the Province.

There are one or two matters with regard to which I do wish to go into detail, although there is practical unanimity on those points. For instance, there is the recommendation contained in the Report of the Simon Commission that there may be—not that there necessarily shall be—one or more officials appointed as Ministers, or that possibly non-officials who are not elected members of the Chamber may be appointed as Ministers. Some aspects of this question have already been discussed, but in my opinion it is not enough for each of us one after the other, to stand up and say we do not like this provision.

I wish to draw the attention of the Committee to one more aspect of the matter which further demonstrates the impracticability, and almost the mischief of having such a provision in the constitution, of leaving such a power to the Government. The recommendation is that, in any Province, the Governor shall be at liberty, if he so chooses, to include in his cabinet one or more officials—presumably from his own Province—and that he may entrust any portfolios to them. No doubt this recommendation is coupled with the recommendation that every minister shall accept the doctrine of responsibility. We must look at this provision initially from the point of view of its practical effect upon the accepted doctrine that Dyarchy shall disappear. Under the present system we have certain subjects that are definitely transferred subjects, and none of them can possibly be entrusted to any minister, official or non-official, who may be in charge of reserved subjects—for instance, education, public health, or medicine. Under the present constitution transferred subjects are bound to be administered by ministers. Now the effect of this provision in the new constitution would be that an official, although called a minister, could be put in charge of any of the portfolios of a Provincial Government. There is nothing in the recommendation to prevent such a minister being put in charge, for instance, of education. The result would, in effect, be that education, which has been transferred for so many years in the Provinces, would become practically a reserved subject. The first objection to this recommendation is, therefore, that this shadow of the official minister would hover over the whole field of transferred subjects, and that any subject could, at the option of the Governor, be made a reserved subject in the sense of being committed to the care of the official minister. Although he might go out with one ministry, he could come in again with the next and be put in charge of the same portfolio or any other. Again, there is no limit to the number of official ministers who have been recommended. As a matter of fact, if the Governor so chooses and there is a recommendation, there is no obligation upon him to appoint any elected member as minister. He can appoint officials and non-officials who are not elected members of the Chamber, and form a cabinet with them. That would mean a mere shadow of responsibility in the cabinet.

Another objection, which is perhaps a corollary of the position already stated, is that the minister would really not be responsible at all, as he can go out with one ministry and come in with another, and therefore can, if he so chooses, have a ministry turned out and then come in with a fresh one. Supposing, in any particular Province, four out of five ministers are elected members of the Chamber and one is an official, occasion may arise when these four are equally divided and the vote of the official minister makes a majority in favour of a certain policy. Their policy must then be accepted by the whole cabinet as its joint policy. Suppose that that policy does not commend itself to a majority in the Legislature and the ministry is censured, then the whole ministry must go out and the four elected members would not come back again; the minister responsible for the defeat of the ministry would, however, come in again and be put in charge of the portfolio he had held before, or of any other to which the Governor chose to appoint him. This instance, together with others, makes it perfectly clear that there exists general apprehension that this recommendation would actually take away even that character of responsibility with regard to transferred subjects with which ministers are—even under the present defective system—invested, and would give the Government such wide powers of making that responsibility nugatory that this provision cannot in any way be acceptable to persons interested in the future constitution of the Provinces. Nor can it be described as an advance towards responsibility if this provision were to continue as a part of the Provincial constitution.

I will now consider the question of the constitution of the ministry from the point of view of the parties or groups from which the minister should ordinarily be drawn; and also the question of whether there should or should not be a chief minister. So far this matter can be dealt with by statute, and it is desirable that it should be so dealt with and that it should be made obligatory upon the Governor to draw his ministers from among the elected members of the Chamber. That is a matter with regard to which no discretion can be left to the Governor, because if it is so left the recommendation will operate which lays down that it is open to him to appoint anyone whom he chooses. In regard to the other question of the parties or groups from which he shall be drawn and whether there shall be a chief minister or not, a certain amount of discretion would—at least in the beginning—have to be left to the Governor, and the matter would not be capable of being dealt with rigidly under a section of the new statute.

With regard to the chief minister, I agree that the ideal position and the correct constitutional position would be that the Governor should select his chief minister, who would ordinarily be the leader of the largest group in the Legislative Chamber, and entrust to him the task of forming a ministry, subject to the approval of the Governor. No one would deny that that is the ideal constitutional position. There is only one point of doubt: is it necessary, at this stage, that the position should be expressed in the statute itself and that no discretion whatsoever should be left to the Governor? If that is done, then constitutional crises may be repeated and new ministries formed far more rapidly than would otherwise occur. I wish to endorse this view, that every Governor should endeavour to make his choice of ministry in that fashion and should try as far as possible to form a ministry under the recommendation of the chief minister, and that he should select the chief minister himself, but I should leave the other matter to be laid down in the Instruments of Instructions rather than in the Act itself. When this ideal cannot be achieved, the Governor should have discretion so to form the ministry or cabinet that they command the majority of members in the Legislative Chamber and can carry on the government without a crisis.

With regard to the question of a minority being represented or unrepresented in the cabinet: no doubt there is, in a subsequent part of the Agenda, a reference to the rights of minorities. I submit, however, that this reference means that, once we have reached conclusions on what shall be the rights and safeguards of minorities, we must in this Agenda take a further step and decide on the machinery that shall be set up to safeguard those rights. I therefore hold that the question of whether there shall or shall not be minority representation in the cabinet falls for discussion under the present head. No doubt it also forms part of the larger question of the rights and safeguards of minorities and other special interests, a question which would form part of the reference to a sub-Committee which might be set up to discuss Question No. 9. Without going into detail, however, I would again respectfully submit that this, again, is a matter which might be left to the Instruments of Instructions, and to conventions which might be established in each Province. The Governor should be called upon to endeavour so to form his ministry that it represents as far as possible all the men interested, communally or racially; and, in the Provinces, divided into two sub-Provinces, that it represents the sub-Provincial units. That is being done in other countries. In Canada, for instance, a convention has been established by which ministers are drawn from representatives of different Provinces no doubt belonging to the same party and there is due representation of Roman Catholics, French-speaking members of Quebec Province and of other communities. I understand that a similar convention has been established in Czechoslovakia. There is no difficulty in administering such a system. This is, however, a matter which, for a far greater reason, should be omitted from this statute, and dealt with by convention. I fail to understand the suggestion

that where a Governor is unable to select a chief minister and leave the formation of the cabinet to him, then the selection could be left to the Governor-General. I cannot understand how the Governor-General could be more intimately in touch than the Governor with the feelings of the groups and parties in the Legislative Chamber. I cannot see that this provision would constitute a safeguard for anybody, and I am strongly of the opinion that the choice of ministers should be left to the Governor.

Chairman : I want to consult the wishes of the sub-Committee. I understand that it might be the desire of certain members to leave at 12.30.

Mr. Zafrullah Khan : We wish to adjourn at that hour on Fridays.

Chairman : I only wish to consult everybody's feelings. If there is such a desire, I think that we should all wish to respect it.

(*The sub-Committee adjourned at* 12.30 *p.m.*)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE NO. II (PROVINCIAL CONSTITUTION) HELD ON 8TH DECEMBER, 1930.

Chairman : Unfortunately the speaker on whom I was going to call first has not arrived. I will, therefore, ask Lord Zetland to address us, but before calling on him I should like to say this. I detected from the speeches that we had the other day that we were not confining ourselves strictly to the one point, and it seems to me we had far better, in the remainder of this discussion on item 2, consider anything that arises under that item on the Agenda. That will enable you to speak on the constitution and composition of the Executive, on the powers of the Governor *vis-a-vis* his Executive and the Legislature, on the administration of Law and Order and on the rights of minorities in the Provinces. The general discussion had better cover any of those points.

Lord Zetland : On Friday Mr. Chintamani referred to a remark of mine made at the first session of this sub-Committee, and as I listened to him it seemed to me that he had perhaps derived an impression from what I said which was not wholly correct. He quoted me as saying that since the question of autonomy for the Provinces had been generally conceded, there was not much use discussing the question further in a second reading debate. That was not quite what I said ; what I actually said was this, that the question of autonomy for the Provinces *with certain reservations*—and, if I may say so, those were the important qualifying words—had been conceded both by the Simon Commission in their Report and by the Government of India in their Despatch. I suggested that therefore, since that was so, it might save the time of the sub-Committee if instead of having a second reading debate upon the main question we came straight to the heads of subjects which had been drawn up by our Chairman.

I had glanced through the heads of subjects, and I had seen they covered practically all the reservations which I had in mind. What I was afraid of was that if we had a second reading debate first and then came to the heads of subjects we should merely be discussing the same questions twice over ; and it seemed to me, therefore, that it would save the time of the sub-Committee if we came straight down to the heads of subjects. I think, if I may say so, the experience of our discussions both on Thursday and Friday suggested there was some justification for the view which I then took.

We are now discussing, as the Chairman has pointed out, item 2 of the Heads of Subjects, and particularly sub-section (*a*) of item 2, namely the constitution and composition of the Executive, by which is meant the Executives in the Provinces. Some members of the sub-Committee have suggested that the Chief Minister should not be entitled to go outside the elected members of the Legislative Council in his search for Ministers. Sir, I hope that this sub-Committee will not decide to restrict the discretion either of the Chief Minister or of the Governor in that way. To begin with, if we were to so decide we should be departing very widely from the practice prevailing in this country. I speak subject to correction by our Chairman, but I think I am right in saying that there is a member of His Majesty's present Government over here who has no seat in Parliament at all, namely the Solicitor-General. The Chairman reminds me that he himself became Home Secretary in the Government of 1924 without a seat in Parliament.

Mr. Joshi : It is for six months only.

Lord Zetland : The Chairman reminds me that the Solicitor-General has not been appointed very long, but I should like to say that six months is not a statutory limit. However, we will not argue about that.

Quite apart from that, in this country the Prime Minister has a much wider field to go to than is provided by the members of the House of Commons. He invariably selects from the House of Lords persons with administrative experience, and perhaps with other experience of public life, of a type which he cannot always count upon finding in the House of Commons. That, of course, raises the question of Second Chambers in the Provinces. Beyond saying that personally I am in favour of the establishment of Second Chambers in the Provinces, even if, to borrow a phrase used by my friend Sir P. C. Mitter, they are not " blind copies " of the House of Lords, I do not wish at this moment to complicate my argument by going into that particular question at this stage in detail.

My argument is a plea for leaving to the Chief Minister and to the Governor a discretion—I do not put it higher than that—to go on occasion beyond the elected members of the Legislative Council if either of them considers it desirable so to do when forming a Ministry.

Some will agree with me on that point and some will not. Personally, I would, at any rate for a time, allow the discretion to extend to the extent of appointing even an official as a Minister if it was thought desirable.

This raises the very important question of the treatment of the portfolio of Law and Order. I should certainly not be acting fairly towards this sub-Committee if I were not to say quite plainly that there is a substantial body of opinion in this country, more particularly perhaps in the party to which I myself belong, which does view with a good deal of anxiety the proposal immediately to transfer to the control of a Minister responsible to the elected Legislature the portfolio of Law and Order.

But, having said that, let me say, equally frankly that personally I believe the advantages, whatever they might be, of reserving a single portfolio when all the other portfolios are transferred would be outweighed by the disadvantages. I think that if dyarchy is to go in every other subject, dyarchy must go in all subjects, including Law and Order. However, as I have pointed out, that is not to say I could agree to Law and Order necessarily being administered straight away by a Minister selected from the elected members of the Legislative Council. After all, this really does bring us up against some very hard realities, which we cannot ignore. I imagine, for example, that if in the case of Bengal the Chief Minister was not entitled to go outside the elected members of the Legislative Council to find a colleague

to administer Law and Order, he would practically be obliged to appoint either a Hindu or a Muhammadan.

Mr. Jadhav : There are some Europeans elected.

Lord Zetland : I am afraid the non-official Europeans are far too busy to be able to take on a Government portfolio. I am assuming for the purpose of my argument—and I think I am right in so assuming—that almost certainly a Hindu gentleman or a Muhammadan gentleman would have to be appointed in those circumstances to administer that portfolio. Now, do not suppose for one moment I am suggesting that either a Hindu administrator or a Muhammadan administrator would be less capable than an English administrator. It is not that at all; the advantage which the English administrator possesses in this particular case is derived from his neutrality as regards the two great communities in India ; and his neutrality has a profound influence upon both the conduct of the police and upon the general public.

That is not a purely official view. We know perfectly well that that view is held by large bodies of Indian non-official opinion in India, and it will be within the recollection of the members of this sub-Committee that the Indian Central Committee, which, after all, was a body almost wholly Indian in its composition (I think there was one English member), did definitely recommend in its Majority Report that in the case of Bengal the portfolio of Law and Order should not be transferred.

Mr. Paul : That was only in the case of Bengal.

Lord Zetland : I am speaking now about Bengal. I say in the case of Bengal they definitely recommended that the portfolio of Law and Order should not be transferred.

I should like to give the sub-Committee an illustration from my own personal experience of the kind of situation which may very easily arise. In the Autumn of 1917 there were very grave disturbances at Shahabad across the borders of Bengal. In the Autumn of the following year, 1918, Muhammadan opinion throughout India was very gravely stirred by events which took place outside India in connection with the Great War—the fall of the Turkish Empire and so on—and an immense demonstration was planned to be held in Calcutta. I would remind the sub-Committee that in the case of the Shahabad riots in the Autumn of 1917 the Muhammadan population had been very severely dealt with by the Hindus. This great Muhammadan demonstration which was planned to take place in Calcutta in the Autumn of 1918 happened to come just about the time of the celebration of two of the great festivals of the Muhammadans and Hindus respectively, the Bakr-id and the Durga Puja, always potential sources of trouble. It was quite obvious that if the vast demonstration was to be held at such a time there was a grave danger of serious disorder and possibly of bloodshed. Among the Muhammadan millhands of Calcutta—a large and for the most part uneducated class—word had gone round that the demonstration was to provide the opportunity for the assertion of the rights of Islam and for the satisfaction of Muhammadan grievances. They were exhorted to remember the events of Shahabad the year before.

It was quite clear, therefore, that it was essential in the interests of peace that the demonstration should not take place, and the demonstration was accordingly prohibited. My point is this. Suppose in those circumstances the portfolio of Law and Order in Bengal had been in the hands of a Muhammadan administrator. I think the pressure which would have been brought to bear on him by his co-religionists outside, and more particularly inside the Legislative Council, would have been so great that he could not have resisted it. He would have been obliged to allow the demonstration to take place ; and, as I say, I think in all probability with disastrous results. On the other hand, suppose the portfolio had been in the hands of a Hindu administrator, and suppose he had decided that the demonstration must be prohibited, as I think undoubtedly on the merits of the case he would have decided. In that event it would have been believed, and widely believed, that he was actuated by communal bias. In either case there would have been a grave danger that the impartiality of the administration would become suspect with the public, with the most unfortunate results not only on the morale of the police force but also upon the attitude of the public towards the administration.

I would beg this sub-Committee, therefore, not to limit too rigidly for the present the discretion either of the Chief Minister or of the Governor in the matter of selecting persons to occupy Ministerial posts. May I say just this one word more ? It seems to me that both parties to this controversy—that is to say the party that desires that the Chief Minister should have complete control of the appointment of his Ministers independently of the Government and the other party which desires that the Governor should have complete discretion in the appointment of the Ministers independently of the Chief Minister—that both these parties have in their minds an entirely false picture of what the relations between the Chief Minister and the Governor will be. Surely the relations between the Minister and the Governor will not be relations of antagonism and distrust. They will be relations of mutual confidence. Neither will desire to press unduly his own view against the strongly held view on the part of the other. They will wish to come to an agreed solution of their problems. They will wish to discuss matters in a friendly and accommodating spirit. And indeed, if those are not to be the relations between the Chief Minister and his Governor I really fail to see how the successful working of the system which it is proposed to set up can possibly be expected.

Chairman : Before I call on the next speaker I should like to say for the benefit of those who arrived late that speakers are at liberty to refer to any question coming under item 2 of the Agenda upon which we are working.

Diwan Bahadur Ramachandra Rao : May I ask whether there will be a separate debate on the items the constitution and composition of the executive and the powers of the Governor *vis-a-vis* (1) His executive and (2) the legislature ?

Chairman : No, we are taking them all together. I found when I tried to narrow the discussion to the first point that speakers would insist upon including more than the one point.

Sir Ahmad Said Khan : Mr. Chairman, on the first point I can only say that I agree with those speakers who are in favour of abolishing dyarchy from the Provinces. I may say in reference to what Lord Zetland has just said on the subject of the transfer of law and order that although I agree with him to some extent it is not for the reasons stated by His Lordship. He said that if the portfolio of law and order is in charge of an Indian such a Minister would not be able to administer the department as impartially as a European could. I do not agree with that nor do I think there would be any lack of efficiency. Here I may say that in one of the major Provinces which stands next only to Bengal as far as population is concerned the portfolio of law and order has remained in charge of an Indian for the last ten years. Fortunately the leader of the opposition of my council is also a member of this sub-Committee and I think he will be able to bear me out when I say that not once has any criticism been made in the House or outside it about the impartiality of the Member in charge of law and order. Therefore, I beg to assure members of the Sub-Committee who have any misgivings in their mind of that kind that that is not the fact and that those of us who have had experience in India of Indian members being in charge of law and order know that the arrangement has succeeded. Of course, there may be other grounds for misgivings on the part of the minority, but to meet those misgivings I am sure safeguards can be embodied in the constitution instead of perpetuating dyarchy in the Provinces. I am glad that you, Mr. Chairman, have allowed us to deal with all the points coming under

heading No. 2, because they are so inter-dependent on each other that it would be very difficult to deal with them separately. One may agree with one point but not with the other point, or may agree with one point if the other point was also carried. Therefore it is much better to deal with them collectively, and I will deal with them now in a collective manner. In regard to the composition of the legislative council I think there should be no official bloc, but I think it would be desirable if we allowed official members to come to the House and explain the position whenever necessary. My experience has shown me that sometimes it happens that questions of such detail are asked in the House that it is difficult for the member in charge of the department to be able to reply without the help of the officials of the Department. It would be of great help, therefore, if officials were allowed to explain the matter in the House, but they should have no right of voting. As to the composition of the Ministry, in my opinion the appointment of the Chief Minister should be left to convention. I for one would not like to have that put in the constitution and made rigid. I know that in practice there must always be a Chief Minister. The Governor will have to consult the most influential man and that man automatically will become Chief Minister. But if we were to make that rigid by stating in the Constitution that there shall be a Chief Minister it is quite possible there might be difficulty in forming a Ministry in India. The reason is this, it is perfectly easy to do that if there is a party system as there is in England. You have two parties or three parties. You take the leader of the majority party and make him Chief Minister. But in India, political parties have not crystallised yet. In the legislative councils as far as my experience goes there is the group system. There is a group of ten or twenty here and a group of ten or twenty-five there, representing various schools of thought. There is no party system. If we insisted that there should be a chief Minister we might, therefore, have some difficulty. I for one would much prefer to leave the matter open as is done in many other constitutions. For instance, in the English constitution I do not think there is any mention of a Prime Minister. In many constitutions there is no mention of a Prime Minister or a Chief Minister. I think it would be much better to leave it to convention instead of putting it definitely into the Constitution. As to the question of officials becoming members of a Ministry, I am entirely opposed to any official Minister. It is simply impracticable. It will create weakness inside the Government. It will not be a source of strength in any way. Let me take a very obvious objection. Suppose there is an official Minister. Within the Cabinet he would inaugurate a certain policy. His Indian colleagues would agree to his policy. But in the House, a Vote of Censure is moved on that particular policy. What will be the result? The Indians who had the misfortune of agreeing with him will go out if the Vote of Censure is carried but the official will remain. The reply to that may be that he also should go out. If he is also to go out, then where should he go to? He cannot go back as Commissioner after having been a Member of the Government and he could not work as a subordinate to those who were recently his own subordinates. The only course left for him would be to retire. What would be the effect of that? Perhaps some of our very best officials would have to retire before their normal time, we should have to pay them compensation and we should lose the benefit of their experience in administration. I do not say that it would happen but one could conceive that some people might regard that as being a possible way of getting rid of all experienced officials in India. Therefore, I think it would create many difficulties all of which I cannot mention now. As to the question of appointing non-official non-elected Members of the Ministry I am doubtful. I am not keen about it but I have doubts because I remember an occasion when it was very difficult to get any Minister from among the elected Members. The Governor offered the post to an outsider who could not accept it. Then we had to take a man from the Council. I think it would be just as well to leave the hands of the Governor free in this matter, but I should wish to make it quite definite that his selection should be confined in such a case to non-elected, non-official men. I am strongly against official Ministers. If non-elected Members are taken into the Cabinet such an action may be very much resented by members of the Council and I admit that this is another difficulty which has to be taken into account. There is one other point upon which I should like to lay stress and that is about the safeguarding of minorities, by giving some seats in the Cabinet to minorities. I think there would be difficulty in putting such a provision into the constitution, but I think it could easily be put into the Instrument of Instructions to the Governors. It may be against the notion of democratic government but there are special circumstances in India and we must try to create a feeling of security in the minds of minorities. Therefore, I think it would be desirable—indeed, I think essential—that in the Instrument of Instructions we should make it quite clear that the Governor would do his very best to include members of a minority in the Cabinet. This question of minorities, if I may be allowed with your permission to say so, need not be regarded as a question of Mussalman minorities. It is not so. If we seek to protect the rights of minorities we do not seek in that way to favour Mussalmans. In that respect I was very much impressed by the speech of Raja Narendra Nath from the Punjab who is a very zealous member of the Hindu Mahasabha. The question of minorities is simply a question of doing justice to the weaker party, whether Hindu or Muhammadan. For this reason I think that it would be desirable that the Instrument of Instructions should contain definite instruction to the Governor that minorities should be represented in the Cabinet.

Lord Zetland: All minorities?

Sir Ahmad Said Khan: Important minorities.

Dr. Ambedkar: What is an important minority?

Sir Ahmad Said Khan: I will leave that to the discretion of the Governor. As far as constitutions in the British Commonwealth are concerned I think that this is the practice in New Zealand and Canada. In New Zealand they always have one or two representatives of Maoris in the Cabinet. I think therefore that it will be nothing new if we have it in the Indian constitution also. I wish to say one word in regard to Second Chambers. Personally I am in favour of a Second Chamber for my province. My idea is that we should give a Second Chamber to such provinces as have been recommended by the Simon Commission or which have been recommended by the Local Government or by the Government of India. I do not wish to say that every Province should have a Second Chamber but where the people of the province are in favour of a Second Chamber I do not say that it should not be given to them. The reasons for giving a Second Chamber in such cases are obvious and I do not wish to take up your time by giving all the reasons. I may perhaps give one reason—that as far as the special powers of the Governor are concerned the less they are used by the Governor the better and in time we hope they shall become a dead letter being out of use. A Second Chamber in certain circumstances may obviate the use of such powers by the Governor.

Mr. Chintamani: Mr. Chairman, the various subjects covered by the present discussion are of so far reaching importance, and with reference to all of them I hold such strong convictions based upon experience and observation, that I trust I shall have the indulgence of yourself and my colleagues if I take up a few minutes of your time. I shall endeavour to make my observations as brief and businesslike as possible. First of all, I should like to deal with some of the observations made by the noble Marquess who has spoken on the basis of his experience as a British Governor in an Indian province—a British Governor not an Indian Minister, an important distinction which I wish you to remember. He had not to work, as a Minister, the constitution in the conditions that existed.

The noble Marquess has cited the authority of the Indian Central Committee, and my noble friend Nawab Sir Ahmad Said Khan has also fallen back upon the same authority in support of his plea for the establishment of Second Chambers. We know very well indeed how the Simon Commission was constituted, what reception it had in India, and who were the classes of persons who agreed to co-operate with that body either as members of Central and Provincial Committees, or as witnesses before it. Let us argue the question on the merits instead of falling back upon the support of a body of which I do not speak because it is difficult to do so within the limits of moderation and courtesy.

I wish to enlarge on the conditions in the United Provinces, where, since 1921, the subject of law and order has been in charge of an Indian member of Government. The subject has also been in charge of an Indian member in the Central Provinces, and has been and still is in charge of such a member in Madras.

With regard to the constitution and composition of the executive, let us bear in mind that nearly all of us have come here with a demand for Dominion Status for India, and nothing less. That demand can have no reality or meaning if we are not prepared for complete responsible Government in the Provinces. It will not do to pay lip homage to the doctrine of responsible government in the Provinces and then proceed by various means to evade that responsibility by suggesting fancy devices with regard to the composition of the executive or the reservation of powers in the hands of the Governor which will make him anything but a constitutional Governor. If we meant what we said when we asked for Dominion Status and responsible government, let us be courageously prepared for all the implications and consequences of that demand. I for one am prepared for all of them, with the certainty that that will make for the good of India, and will not produce any deleterious consequences. It follows from this that the executive in every Province must be a responsible executive. We have decided under the first head to do away with the distinction between reserved and transferred subjects. It follows therefrom that the executive must be unitary, and also that it must be responsible to the legislature. If it is at the mercy of the Governor, or so composed as to include diverse elements not having a common policy and programme, or if it is an executive which includes elements with divided allegiance, then it cannot be a unitary and responsible executive. In order to have such an executive, we must have a ministry with collective responsibility in every matter. To bring this about there must be a chief minister selected by the Governor from among those who command the largest support in the legislative council, and he should have freedom to recommend to the Governor who should be his colleagues, the Governor to accept his recommendation except in such rare cases as occur also in this very country.

The question was raised with regard to the safeguarding of minorities, and it was suggested that one of the leaders of a minority should be included in the executive. The safeguard for ensuring this lies in the composition of the legislature itself. Every legislative council included not only members of one community which may be the majority community, but members of all communities, in varying numbers no doubt, but at all times and in all circumstances members of all communities. That being so, I should like to see the chief minister, unless he is entirely devoid of commonsense or fitness for his position, who can flout the opinion or the will of any substantial minority in the council, and constitute a ministry against which the minority will swear hostility from the first days of its existence. I appeal to you, Mr. Chairman, with your experience of public life in this country, whether you could imagine a Prime Minister who could give effect to his despotic wishes without bearing in mind the state of opinion in general, and not merely that of the party on whose support he relies to carry on his government. Can you ever expect a chief minister of ordinary commonsense who will ignore substantial minorities in his legislative council when composing his ministry? Or, if you get such a one, will his official life be worth two days purchase? The safeguard for all minorities lies in this essential circumstance, that there never can be a chief minister who can disregard those communities and interests without imminent peril to his own official existence. If we are not prepared to rely upon the reality of this safeguard we must admit that we are not prepared for the implications and consequences of responsible government, and are demanding something without understanding what it really means. None of my colleagues here will plead guilty to the charge that he is unaware of this implication and the consequences.

I need not add that it necessarily follows that the ministry must not include a permanent official or one not in the legislative council, and if some one is chosen who is not in the council he must get himself elected thereto within a prescribed time. In this country if a minister does not secure a seat in one or other House of Parliament within a reasonable period he must resign his office. The permanent officials in office will, if I may be pardoned for saying so, be nothing but a constitutional abomination. They will not be able to work with their colleagues or to get on with the legislative council.

The noble Marquess has adverted very rightly to the valuable experience possessed by Englishmen and the beneficial results of having an English ministry. By all means, I have not the slightest race prejudice, let the Englishmen come forward, officials or non-officials, who sympathise with and will work for the political progress of India. I could name many, both officials—Sir Henry Cotton was one example, and there are many others—and non-officials in this connection. We Indians will be the first to take advantage of the services of such Englishmen in the government of our country. But not merely because they are Englishmen.

The next point concerns the powers of the Governor *vis-a-vis* his executive and the legislature. On this point I speak with a special degree of earnestness. I am convinced that few things have contributed more largely to the failure of the Montagu-Chelmsford reforms than the indefinite and extensive powers vested in Governors of Provinces under the present Government of India Act. I am aware that the Governors themselves have often complained publicly and privately that they have not got the requisite powers adequate to the discharge of their enormous responsibility. I am afraid I cannot sympathise very much with that complaint. On reading the relevant section of the Act, it will be found that the Governor as the head of the transferred half of the Government is in a perfectly autocratic position, accountable only to his own conscience and to God Almighty. He cannot be taken to task by any official superior, because the Act makes him the official authority. If we mention the name of the Governor we must mention him as a sacred personality, not to be criticised. He occupies a position of perfect despotism in respect of administration of transferred subjects. His permanent officials have direct access to him as a right, and their point of view is more often identical with his than dissimilar. The majority of Governors in India belong to the permanent service and not to the Parliamentarians. The Governor should be, in fact, a constitutional Governor. He should be no less, but he ought not to be any more.

I come now to the next question: What, if any, provisions are necessary to safeguard the administration of law and order, the rights of minorities, or any other interests? It is my conviction that the Governor need not have any reserve power to safeguard law and order. I know of no subject in connection with Indian politics upon which a greater amount of fiction has been written or taught, or more utterly misleading statements made in this country than with regard to the attitude of the Indian public man to law and order. The people of England are told tales as if we Indian public men were not in the

least concerned for the maintenance of law and order in our country. Where offences against the State, real or alleged, are concerned, the Indian public men do not see eye to eye with the permanent officials, with regard to the number of prosecutions to be instituted, or the severity of the sentence to be inflicted. On that point I need not say much, for I can appeal to you, Mr. Chairman, as to whether the detached critic or the permanent official is more likely to be in the right when he thinks of offences against the State such as alleged seditious speeches or writings in the Press. You, Sir, and others in your position have had to spend a good deal of time in protecting the liberty of the subject against encroachments by the executive even in a constitutionally governed country like yours. How much more so must the public man of India be called upon to take steps in a country autocratically governed and governed by an alien executive.

With regard to ordinary crime, because of the combination of judicial and executive functions, injustice has often resulted against which we protest, and then we are held before you people of England as being opponents of law and order. I protest against the implications of this accusation and deny it *in toto*.

As regards the rights of minorities, here I have not the slightest objection to what has been proposed, because I want a new Government of India to start in an atmosphere not of contention or distrust, but of agreement, friendliness, confidence, and hope. Therefore I have not the slightest objection to the suggested clause giving instructions to the Governors asking them to see that minorities are treated with justice and fairness. If this is a derogation of the Governor's position as a constitutional Governor, I am prepared to sacrifice theory to this extent—but only to this extent—to practical ends. There is no other interest with regard to which the Governor need have emergency powers.

Mr. C. E. Wood : There are only two subjects to which I propose to refer, one being the transfer of law and order, and the other the question of Second Chambers. I think the real point of view from which we should consider this question of the transfer of law and order is how to retain the willing co-operation of the police. That seems to me to be the view-point from which we should consider this matter, because the police are and have been, especially recently, a very highly tried body. They are very badly paid, and they have proved staunch in all emergencies. There is no doubt from what one can gather from the police themselves that they do very much fear what may happen to them in future if this transfer is made. It was expressed by Sir A. P. Patro, when he said that care must be taken to remove them from party politics. That is really what it comes to. They do not fear—and the non-official Europeans certainly do not fear—transfer to an Indian as against a European. I myself have seen the department of law and order controlled by an Indian for many years, and there has never been the slightest fault to find with that control in any way. But—and I think Lord Zetland was speaking from that aspect—there may be some Provinces where it may be necessary to make exceptions, and I think possibly that Bengal should be considered on its own merits.

This question of the portfolio of the police being held by someone who is not an elected member of the Legislature is an important one. If at the discretion of the Governor the portfolio may be held by someone who is not a member of the Legislature I think it will invariably cause friction. At the same time, I think it may be found necessary in such a province as Bengal to place the portfolio in what may be called neutral hands, but I should not leave it entirely to the Governor. Lord Zetland has remarked that unless the Governor and the Chief Minister work closely together the Government cannot be carried on—or words to that effect—and it seems to me if that is accepted it should also be accepted that the Chief Minister should give his consent to the portfolio being administered by someone who is not an elected member of the House.

A very important point, especially in a Province like Bengal, is to keep administrative matters away from the politicians, for I am perfectly certain that no Government will be able to carry on if there is interference by politicians. The police will not stand it. If law and order cannot be administered properly the Government cannot be administered properly, and future Governments will be only riding for trouble unless they are prepared to make some sort of provision in that respect. It seems to me that the placing of large statutory powers in the hands of the Inspector-General of Police in the matter od discipline, appointments and promotion would be a very great safeguard so far as the administration is concerned. I believe that in England such powers exist in the case of the County Constabulary. In each administrative county there is a force commanded by a Chief Constable, who appoints, promotes and dismisses the other members of the force and has the general government of them, subject to the police authority, which is a non-political standing joint committee.

Sir A. P. Patro has suggested that the Public Services Commission will be a safeguard in this respect; but, with all due respect to him, I do not think the Public Services Commission can possibly attend to matters of discipline, administrative matters and enquiries where the conduct of the police is in question. They are more an advisory body to assist in the matter of promotion from the lower to the higher grades, and in selection for appointments. That is all I have to say about the police.

I now wish to refer to Second Chambers. I am very glad to see that the question of Second Chambers has now been brought up; I was a little afraid at one time it would be dismissed without consideration by the members here. It is not correct to say, as one member has said here, that the Provinces have turned down the suggestion, because in the United Provinces, Bihar and Orissa, Bengal, Assam and Madras the Provincial Committees have all spoken in favour of Second Chambers. We have to remember that we are going to make a very large step forward, if only by the removal of the official bloc, and one benefit of a Second Chamber will be the protection of the Executive from hasty action by the House, since it will give the House time to reconsider its decisions.

Dr. Ambedkar, whilst stating that he is quite prepared to agree to the transfer of all subjects and to placing the minorities in the hands of an Executive responsible to the House, seems to contradict himself by saying he is very much afraid that a majority party will treat the minorities unfairly. I suppose Dr. Ambedkar knows his own business best, but I do not see how he can place those two views side by side and make them agree. All authorities that I have read recommend Second Chambers as an antidote when there is a fear of unfair or unsympathetic treatment of minorities by majorities. I am quite sure Dr. Ambedkar will consider whether his salvation does not lie in a Second Chamber rather than in a coalition Ministry, which personally I think is an impossible suggestion. He has great responsibility for the interests of his community, and I am quite sure he will look after them satisfactorily.

One important point with regard to Second Chambers which I should like to stress is that if they are to be of assistance to the minorities they must be properly constituted. There is a fear of landlord domination.

Mr. Joshi : Hear, hear.

Mr. Wood : There must be a careful selection of representatives of all communities, and I would suggest electoral colleges for the minorities. I think a Second Chamber can be made a Chamber on which the minorities can rely as a safeguard for their interests.

Mr. Zafrullah Khan : And the commercial people ?

Mr. Wood : I said the minorities, and the depressed classes. A Second Chamber, moreover, may, as one speaker has already suggested, possibly be a substitute for placing too much reserve power in the hands of the Governor.

Some Provinces say that there is not the material for a Second Chamber in their Province, but I think, taking the country as a whole, India can surely find the material for Second Chambers. It can hardly be said of any country which is ripe for self-government that it has not the material from which to form Second Chambers which are capable of protecting the minority interest.

We have to remember, when we are talking about Second Chambers not being usual in Provinces, that India is not one nation. I should have dared to say that myself here, but I am quoting Dr. Ambedkar, who did say it, and I am in perfect agreement with it. India, with its population of 230 millions, cannot be treated in the same way as a country of 40 millions; there are Provinces in India with a population of 40 millions, and what applies in other countries cannot be taken as a precedent.

There is one thing I should like to suggest with regard to a Second Chamber which may be pleasing to minorities, namely that there should be constitutional statutory power to abolish such a Chamber if a large majority—say a three-quarters majority—of each community in the Lower House was in favour of such a step. That is to say, if three-quarters of every group or community in the Lower House were in favour of abolishing the Upper House they could bring it about. The majority parties are usually in favour of the abolition of an Upper House, and this would mean that if the minorities made up their minds that the Upper House was of no value to them and was not protecting their interests they could combine with the majority parties and get rid of it. It seems to me that the Upper House, feeling that its life was in the hands of the minorities, would consider very seriously any problems which specially affected the minorities. I would ask for very careful consideration of this subject, because I do think in that form, together with separate electorates, the minorities will get the safeguards they seek much more effectively than by thinking of coalition Executives.

Dr. Ambedkar: May I make a suggestion? It seems to me this question of Second Chambers is so important that it cannot be discussed properly and adequately by being tacked on to the series of heads we are now discussing. In my opinion a special day ought to be allotted to this subject. I see very little connection between the subject of Second Chambers and that of the protection of minorities, or any of the other matters enumerated in items 1 and 2. It seems to me this is a very important question. I find nothing in this list of heads dealing with the composition of the Legislature; if you were to add a head "Composition of the Legislature" we should have a proper opportunity of discussing the whole subject.

Chairman: I cannot see how you can separate this whole subject and split it up.

Dr. Ambedkar: The question of Second Chambers can certainly be separated from that of minorities.

Chairman: Not entirely. Whether there is to be a Second Chamber or not affects almost every other subject that comes up—the powers of the Governor *vis-a-vis* the Executive and the Legislature, the powers of the Legislature and so on. I think you had better let us go on, and if at the end we find the discussion has not been adequate, we will try to arrange for a further discussion on this subject by itself.

Sir A. P. Patro: I regret my friend Mr. Chintamani has been overcome by the fashionable disease of crying down those who co-operated with the Simon Commission. My friend seems for the moment to have forgotten that there are as strong, disinterested and genuine patriots as himself who co-operated with the Statutory Commission to make sure that India and the Provinces obtained full responsible self-government. It is ridiculous to pretend that patriotism is confined to anyone particular individual or set of individuals. Strong language can never build a sound constitution. We must have control over ourselves and remember that though we may have been divided temporarily there are others who are as genuinely and sincerely patriotic as ourselves. I regret very much, therefore, that Mr. Chintamani should have referred as he did to the five or six of his colleagues here who co-operated with the Simon Commission. We had the honour and privilege of co-operating with that Commission and of doing our best to place before it what we considered the best and the just evidence in support of the cause of India and the cause of the Provinces.

With regard to the composition and constitution of the Executive, the main point has already been dealt with by my friend the Nawab of Chhitari, with whose practical observations I am in general agreement. The question has only to be considered for the answer to be almost unanimous, namely, that there should not be an official on the Executive. There is universal agreement that when a Ministry is formed no outside official shall be included in it, though, as the noble Marquess has pointed out, discretion may sometimes be vested in the Governor, for there may be a Province or there may be an occasion where it may not be possible to find a Minister, as the Nawab of Chhitari pointed out occurred in his own case. Discretion may perhaps be allowed in such a case, but there should not be general discretion to allow an official to come into a Ministry; the disadvantages are too many, and it would quickly ruin the principle for which we now stand, the principle of joint responsibility. The answer to that question therefore, is that the Executive should be constituted from the elected members of the Legislature, that the Executive should not have an official amongst its members, and that the principle of the joint responsibility of the Executive should be established.

With regard to the Chief Minister, I agree it cannot be laid down definitely that there shall be a Chief Minister in every Province. Conditions differ and circumstances vary, but as a general rule there should be a Chief Minister. Wherever it is not practicable to have a Chief Minister that rule need not be adhered to, but there must be a Chief Minister wherever possible.

With regard to the powers of the Governor *vis-a-vis* his Executive and the Legislature, that has an inseparable connection with the question of the formation of Second Chambers. Most of the powers now vested in the Governor under the Government of India Act remain a dead letter and are not exercised at all; most of the overriding powers provided in the Government of India Act are not used at all in many Provinces. The question is whether the Statute should allow such overriding powers to the Governor. If we have a Second Chamber, as was recommended by many Provincial Committees, then the drastic powers which are now vested in the Governor would not be at all necessary. It is in that way that the question of a Second Chamber comes in when we are discussing the powers of the Governor. The Governor should have emergency powers so as to be able to preserve the peace and tranquillity for which he is ultimately responsible; it is necessary that safeguards should be adopted for the ultimate security and tranquillity of the Province, but otherwise the Governor ought to be guided by the advice of his Ministers.

The provisions relating to the control of the Governor over the Ministers will altogether disappear, because the distinction between the Ministers and the Executive Councillors will disappear. The powers which the Governor has now with regard to the Executive Council will further be modified by establishing that the Governor shall be guided ordinarily by the advice of his Ministers. It is only in cases of special emergency, where there is a question of communal troubles or other factors, that he may have to exercise overriding powers, but in that case he will ultimately have to appeal to the country; he cannot be an autocratic Governor any longer. There need therefore be no fear of having some safeguards in that matter.

The other question is as to the powers of the Governor over his Executive and the Legislature. The powers over the Legislature consist of administrative interference with the Executive and Legislative

interference. At present the sanction of the Governor has to be obtained before certain legislative measures can be introduced in the Council, and he has the power ultimately of vetoing legislation or referring the matter to the Governor-General under the reservation powers. All these powers of the Governor in matters of legislation are to be found in every State in the Dominions, and therefore they are not extraordinary powers at all, but ordinary powers vested in the Governors in these States.

With regard to the administration of Law and Order, I differ entirely from the observations made by Lord Zetland. Law and Order must be administered by Indian Ministers without any regard to communal disturbances. The particular instance Lord Zetland referred to may be an exception, but even in such a case if a Muhammadan or a Hindu happens to be in charge of Law and Order he will conduct himself strictly in accordance with the popular will and do what is necessary in the interests of the peace and order of the country. Therefore peace and order is not a subject that is the exclusive field of any particular community or race. There should be no suspicion whatever either in Britain or anywhere else that order would be disturbed or law not properly administered if there were an Indian Minister in charge of that very important department. The rights of minorities have been referred to. It is very necessary that the rights of all important minorities should be safeguarded but I do not think that safeguards should be put into the statutes. Safeguards should be established either, as has been pointed out, by instructions to the Governors or by establishing some convention in the matter. No legislative enactment that I have seen contains any definite safeguards as has been suggested in certain quarters. They should be established by instructions to the Governors when they are appointed or by convention. The rights of minorities must receive recognition and minorities must feel that their interests are safe under the new Government. For that purpose safeguards will have to be provided. I submit that in reference to these matters coming under (1) and (2) of number two on the Agenda answers have already been given very fully. What we want is real responsibility introduced into the Provinces. I come from a Province in which the portfolio of law and order has been held for the last ten years by three Indian gentlemen one after the other. All those three gentlemen have been Muhammadans, but no one has ever accused any of those gentlemen of ever having yielded to any communal pressure. I thank the noble Marquess, Lord Zetland, for kindly pointing out to us what he thinks might be a difficulty, but I can assure His Lordship that in any Province in India Ministers, either Hindu or Muhammadan may be found who are above all communal feelings.

If I remember aright, Sir, we had some talk at our meeting on Friday on the matter of having Members to represent minorities in the Cabinet. I yield to no one in my desire for the protection of the rights and privileges and interests of minorities but I am afraid it will not be practical to insist that they should be represented in the formation of a Cabinet. There are practical difficulties in the way. If a Chief Minister is required to include in his Cabinet some persons who will be there to represent the rights of minorities it means that he will be required to include in his Cabinet some persons who hold views quite different from his own. I do not think that such a Cabinet could last for a very long time. After all a Cabinet is not formed to represent groups or minorities or communities, or whatever you may call them. It is formed to carry on the work of administration and in order to do that it must be able to work smoothly. If a Cabinet has to be formed by including heterogeneous elements it will hardly be workable at all. What I submit, therefore, is that you should include minorities by all means whenever it is possible, but I do say for heaven's sake do not make it obligatory. It is always desirable to have in the Cabinet representation of minorities whenever it is possible and I think the Chief Minister should always attempt to do so when he thinks that with such a composition of his Cabinet he would be able to carry on administration smoothly. But he should be under no compulsion to form a heterogeneous Ministry at the risk of its being broken up at any time.

Diwan Bahadur Ramachandra Rao : In rising to make a few observations on Item 2 on the Agenda I think I may say at the outset that the number of questions involved in this item involve so many points of view that I am afraid that some of them are bound to be omitted in the discussion. I feel that the question of Second Chambers ought to be separately dealt with. There are many questions relating to Second Chambers which in a cursory discussion like this can have only a casual reference. It seems to me that there cannot be adequate treatment of the subject. For example, we have to consider what should be the nature of the Second Chamber, should it be purely a revising body, or should it have co-ordinating powers, should it have power in financial matters, should the budget be discussed in both Houses ? Then, assuming there is a conflict between the two Houses, should there be powers similar to those given in the Parliament Act 1911. Again we have to consider whether Ministers should be responsible to both chambers or only to the lower House, the popular House. These and other questions have to be very carefully considered apart from the question of the composition of the Second Chamber. Therefore, I think that in addition to whatever remarks may be made in the course of this discussion sometime later there should be given an opportunity of discussing all these subjects, because the question involves very complicated issues and the question of the extent of the responsibilities of Ministers will also have to be considered. Therefore, I respectfully suggest that this question should be taken up again later. For the present I am disposed to think that the Second Chambers are likely to complicate the constitutional machinery rather than help it. On this question I may perhaps be allowed to invite the attention of my colleagues here to what was said in reference to this proposal by the Simon Commission. Several of the local Governments have expressed their opinions on this matter. Five of the eight Provinces have taken the view that a single chamber legislature would be quite enough. Among the other three there are some differences of opinion. All the opinions are summarized in the Government of India Despatch at pages 20–21. One of the arguments in favour of Second Chambers advanced by two of my colleagues here is that a second chamber would afford protection for minorities. That is Mr Wood's view. I think it has also been suggested that the Governors' powers of over-riding the legislature would be curtailed by the establishment of a Second Chamber. I am not disposed to agree with that. I think the protection of minorities would be no greater if a Second Chamber is instituted than it is now. I think that the protection of minorities ought to be dealt with by embodying in the Statute certain fundemental rights and also possibly conferring some power on the Governor to protect their interests. If neither of those methods is sufficient to protect minority interests then I do not know how the constitution of a Second Chamber—whose composition we have not yet discussed is going to do anything to protect minorities. As regards the Governors' powers perhaps I m ght be allowed to invite the attention of Members to the over-riding powers of the Governors discussed—in paragraph 50 of the Simon Report. The Report says : " We are not attempting to settle the draft clause but we should be disposed to describe these two as matters in which in the Governors opinion we must give such directions :—(1) in order to preserve the safety and tranquillity of the Province." I do not see how a Second Chamber is going to help in the matter so long as the Governor has this power. The Governor's exercise of this power would certainly not be affected by the constitution of the Second Chamber. The Simon Report goes on " (2) In order to prevent serious prejudice to one or more sections of the community as compared with other sections." The Simon Report then proceeds

to deal with other purposes for which they think the Governor should possess over-riding powers. They say: "We are not referring to financial safeguards which we shall deal with separately nor to the powers which the Governor must have in reserve in respect of certain classes of legislation.

There are three other purposes for which we think the Governor should possess over-riding powers, and it is convenient to mention them at once, though their importance is mainly technical and connected with other aspects of the constitution :—

(3) To secure the due fulfilment of any liability of Government in respect of items of expenditure not subject to the vote of the legislature.

(4) To secure the carrying out of any order received by the Provincial Government from the Government of India or the Secretary of State. (The degree of control of these authorities is discussed hereafter.)

(5) To carry out any duties which may be statutorily imposed on the Governor personally, such as duties in connection with some service questions and responsibility for backward tracts."

Apart from whether these powers should be possessed by the Governor or not I do not think any of them will be affected by the constitution of a Second Chamber. I do not wish to deal further with the subject except to say that the majority of the provincial governments who have some experience in this matter have recommended that there should be no Second Chamber. Three Provinces think there should be a Second Chamber and the Government of India have stated that in those Provinces where it is recommended there should be no Second Chambers, there should be no Second Chambers, and in those Provinces where it is recommended there should be a Second Chamber, there should be a Second Chamber. Therefore I think the solution of the question is that there should be some authority given to the new legislatures to adopt what I may call a constitutional resolution for the constitution of a Second Chamber. There should be during the first ten years such a power given to the single chamber, and the question might be solved in that way namely by arming the single legislature with power to adopt a constitutional resolution for the constitution of a Second Chamber. To go beyond that now, and to decide that Second Chambers are necessary, would seem to me to be rather complicating our future machinery of government in the Provinces. As to the question of whether there should be a Chief Minister, you will permit me to say a few words. The point has always to be remembered that a Chief Minister is necessary because otherwise the Governor would be dragged into controversy. If the selection of Ministers is left to the Governor he will have to make enquiries as regards communal groups, and I think one thing which is very necessary is to keep the Governor out of the arena of party politics. That is most necessary. I can say that in more than one Province the Governor has been accused of having taken sides or of having interested himself in one group as against another in selecting Ministers who would not work together. All those difficulties arise once you have no Chief Minister. For that one reason I venture to think it is necessary to have a Chief Minister. Undoubtedly as has been pointed out, the Chief Minister would discuss constitutional questions with the Governor and take his advice and assistance but the final word as regards the composition of the Ministry should be with the Chief Minister who would submit names for acceptance to the Governor. Otherwise I am certain the Ministry would not be a harmonious whole striving to work the machinery of Government in the proper way. It has been suggested that there may be communal tension because the Ministers may all belong to one of the two communities in India. That cannot be helped. I think that the sooner we devise machinery that will make both parties have confidence in each other the better it will be. To invite the Governor to make appointments of Ministers who would hold themselves individually responsible to him would be the very negation of responsibility. I should like to say a few words on that point with regard to the over-riding powers of the Governor in financial and administrative matters. It has been suggested that the Governor should have the power of restoring grants in regard to matters in which he has over-riding powers and that he should have also, the power of certification of Bills. I am strongly of opinion that if these powers are conceded to the Governor it will be the negation of the responsibility and the legislative council will be helpless as regards these matters. I think there should be a Chief Minister and that everything should be done to give real responsibility to the legislative council. On the question of official members of Cabinets I think that it has been very clearly shown in the case of local governments that the large majority of them are opposed to such a measure. They are of opinion that that also will infringe on the principle of responsibility. You would introduce into the Cabinet a person who is not responsible to any popular constituency. He would be a man with no constituency behind him who would look to the Governor for support. He would have no party in the House and he would certainly be isolated from the rest of the Ministers forming the Government. For that reason he would not be able to work in harmony with popularly elected Members. I think it would tend to undermine the whole scheme of responsibility if somebody who had not received the support of a popular constituency but who was only interested in administrative work was made a member of the Government. Lord Zetland said that in the peculiar circumstances of Bengal he thought that an official Minister would be a person in whom perhaps both sections of the community would have great confidence. Here again I must repeat my argument—an official Member would not be a responsible Member. You must face the problem and I think you must come to the conclusion that such a scheme would be fatal. It has been suggested that in present circumstances it might happen that there would be more confidence if such a person held the portfolio of law and order. I doubt it. Experience in Madras, where an Indian was always in charge of law and order, and experience in other Provinces, has shown that there have been no deleterious results. Therefore I submit that whatever may be the present circumstances of Bengal on which of course Lord Zetland is so great an authority, it is far better to entrust this portfolio of law and order to an ordinary member of the Government rather than to an official member. There is only one other point upon which I wish to deal, that is, the representation of minorities. This question has been discussed at great length in some of the provincial governments. They have generally come to the conclusion that the inclusion of representatives of minority communities is desirable. No Chief Minister forming his Ministry would be so foolish to neglect important minorities and not to take men from those minorities into his Cabinet. But it would be unnecessary to provide for that in the Statute. It should be done either in the Instrument of Instructions or it should be left to convention to grow up. It seems to me that these are very sound views, and that nothing further can be done to provide representation of the minorities in the executive government of the Provinces except in the way that has been suggested—that is, not by Statute but by Convention.

Sardar Sampuran Singh : I should like to make a few observations on two points, namely, the chief minister and the official minister. In my opinion, there will be always a chief minister in the cabinet. The question is really, who is to select the appointed ministers, whether the chief minister is going to be selected first and then to make his ministry, or the ministers are to be first selected by some other authority and the chief minister appointed afterwards. In my opinion it may be practicable in some of the Provinces that the chief minister should be appointed in the beginning and make his own ministry, but I am aware that there are Provinces in India where it is necessary that the ministers should be from all the communities, and here, it is necessary that they should be appointed by the Governor. I agree that there is some difficulty, but we cannot lose sight of the fact

that there are places in India where such differences exist, and in order to minimise them and keep them subdued it is absolutely necessary that for some time at least the power should rest in an altogether neutral person. The responsibility will be in the cabinet when once appointed, and, moreover, no Governor can afford if he wants to run his Province, to appoint any ministers who have not the support of the majority in the Council. From the very fact that the cabinet has to rule in the Province and has to run the Province it is absolutely necessary that they should have the support of the Council, and that means that they will have the support of the whole of the Province and be representative of the people in the real sense of the word. I do not agree that if the ministers are appointed by the Governor and they select their own chief minister afterwards, the principle of responsibility in that cabinet is in any way impaired.

The second point on which I want to say a few words is with regard to the official minister. The noble Marquess has given the reason that in some cases it may be necessary for the Governors to appoint ministers from amongst the officials so that they may be able to administer the department of law and order in a way in which the people have confidence. I beg to submit that that is just the reason—because the department of law and justice should not be left in the hands of the officials—why there should not be any official minister in the cabinet. We cannot shut our eyes to the fact that just at present faith in the administration of justice, as it is going on in India, is shaken. Some years ago I was reading Lord Macaulay's Essay on Lord Clive, where he says, in effect, that British Government in India is based on faith in British justice and not upon the British Army in India. I beg to submit, Sir, that that faith is being shaken, and to re-establish that faith and to establish British rule in the heart of the people of India, it is absolutely necessary to bring back the faith in British justice. One reason perhaps for the shaking of confidence is that there is disturbance in the country, and because there is disturbance the British officers have to depend upon very lowly paid police officers, and it is a well-known fact that these subordinate police officers are very corrupt. In order to subdue that agitation and to carry out the policy of the present Government, the Government has to depend upon those police officers, who do not hesitate to fabricate evidence, or to bring in false witness in the courts. It is because justice is not being properly administered in the country that it is absolutely necessary to have strong Indian ministers—a strong administration to handle law and order in India. In my view it is just for that reason that it is absolutely necessary there should not be an official minister in the Cabinet

Maharaja of Darbhanga : We are in favour of the transfer of law and order. With regard to the possibility of trouble on such transference, we have had Indians who have been in charge of law and order in different Provinces, and if they can manage to keep it, and if there has been no trouble during their time as Members of Council, there is no reason for us to think that they cannot maintain law and order under the new conditions.

I should like to add a few words about the Second Chamber. The fears of some of our friends are that Second Chambers are not desirable, because they are likely to be entirely composed of, or dominated by, the landlords. That is not the type of Chamber we contemplate. In the Second Chamber we should have the representatives of other interests, representatives of minorities. The Second Chamber, I venture to think will be a necessity for safeguarding the interests endangered by hasty legislation on the part of the lower house. The Provinces that already want it, and for which the Government of India recommend it, should have a Second Chamber right away, and there should be a clause in the constitution that other Provinces may have Second Chambers if and when they think it desirable. The composition of the Second Chambers may be left to be decided at a later stage, and we need not go into details with regard to that subject at the moment.

(The sub-Committee adjourned at 12.55 p.m. and resumed at 3 p.m. with Lord Zetland in the Chair).

Sir Shah Nawaz Bhutto : This morning I found that most of the arguments employed in reply to the speech of Lord Zetland went to show the capacity of Indian members to deal with the subject of Law and Order, but I should like to point out that, if I correctly understood Lord Zetland, he never disputed the ability and the capacity of Indian members to take charge of the subject of Law and Order. The point is that such members are nominated by the Government and are not responsible to a constituency or to the Legislature or subject to outside influence, as is the case with Ministers.

I was very much amused yesterday by the arguments of my friend from Bombay, Sir Chimanlal, when he was making out a case for the difference in treatment between Ministers and Members of the Executive Council. My own experience has been that the position of an Executive Member is quite different from that of a Minister. As soon as a member is appointed he has a safe life of five years, and he is not responsible to a constituency or to the Legislature. Whether a European or an Indian he becomes an autocrat, and therefore he is not open to argument or susceptible to the influence of public opinion at all. He has a regular policy and experts to guide him, and in 99 cases out of a 100 he follows that particular policy and is guided by his experts, so that there is very seldom occasion for a Governor to disagree with him. We have, of course, had Ministers of whom much the same could be said, and we should be proud of them ; but there have been others of whom the less said the better. They allowed themselves to be influenced by their constituencies, by their communal feelings and by their parties. If the Governor had no power to restrain them, I think, had they been free to follow their own will, we should not be able to ask for Dominion Status or full responsible self-government if our fitness to obtain it were to be judged by the capacity those men showed for the positions they filled.

Unfortunately we have very short memories, and I find that by the time we pass Aden we have forgotten the real circumstances which exist in India and how we have left them. I am not less anxious than any of my colleagues to secure full responsible government or Dominion Status for India, but the facts have to be faced. We are all accustomed to say that the facts must be faced, but we often find it convenient to ignore them.

Leaving Madras aside—for my colleagues from Madras can be proud of the way they have worked the constitution and of the circumstances that prevail in that province—I should like to take the case of the Bombay Presidency, which is one of the most advanced Presidencies. What are the circumstances there? Even now we have communal trouble ; a month or two ago we had communal trouble in Sind, and last year we had trouble in Gujerat. It was not only a question there of asking for Europeans as magistrates, judges and officials, but they even protested against the public prosecutor belonging to either of the communities, and said that the prosecutor who conducted the cases should not belong to either community. It is very regrettable that that should be so, but things are in that bad condition. Each community lacks confidence in the other. I am not going to accuse any particular community, but those are the facts.

In these circumstances it is little use saying, " Oh, we shall be able to manage " ; we may create disasters. I should like to go very fast ; I should like to go 120 miles an hour rather than 60 if it were possible to do so ; but some solution must be found for this problem, for it is a very delicate one. Most of the Provincial Committees when faced with this problem did not know what to do. We were very anxious to do something one way or the other so that we might have full responsible government in our provinces but at the same time we were faced with difficulties. We shall have to put our heads together and try to arrive at some solution.

With regard to having a Chief Minister, some of the delegates have expressed the fear that if the Governor is left free to make his own choice or selection he may do mischief, but I dispute that. Surely the Chief Minister, if he is left himself to make a selection or form a Cabinet, will do the greater mischief. The Governor has no axe of his own to grind. Unfortunately we cannot compare the circumstances which at present prevail in India with the situation in Parliament here. You have not communal parties here; your parties are on quite a different basis. Most of our able and influential leaders in India are Liberals, but they are left without any following because they are fair and straight; it is only communal leaders at present, whether they belong to the Mahasabha or Congressor are Muhammadans or whatever it may be, who have an influence and a following.

It is in the interest of the Chief Minister himself that the selection should be left to the discretion of the Governor. It the circumstances are as favourable as are those which prevail in Madras, as a Parliamentary man the Governor will himself select a Chief Minister and on his advice form a Cabinet, but he should not be bound down to do that if the circumstances are not favourable. He may not have a Chief Minister at all, or he may form the Cabinet himself and appoint a Chief Minister, or he may appoint a Chief Minister and then select the rest of the members of the Cabinet. Even if he does select a Chief Minister that Chief Minister will be able to tell his party that the Governor has had the last voice in the matter; otherwise even if he is the leader of the majority party he will be thrown out the next day and his own party will desert him if he does not work on communal lines. It is said that the Chief Minister can do what it is proposed the Governor should do, but that is not the case as things are at present. Twenty years hence we may have parties on a different basis, but as things are to-day everything is done on a communal basis and in every walk of life we show this communal narrow-mindedness. If the Chief Minister is anxious to have a representative Cabinet selected from the different groups, I am positive, from my experience of twelve years in the Legislature and ten years in the Bombay Council, he will be left next day by his followers. That has happened in our Council. Where the Government has been weak and has given way to the Ministers they have ignored the Depressed Classes, the Muslims, and everybody else. In view of that experience I think it would be in the interest of the Minister who considers himself Chief Minister that he should not have the last voice in forming the Cabinet, but that the Governor should have the last voice.

As for a Second Chamber, I will not say what our community has decided, since I had the privilege of being chairman of my Provincial Committee. We considered this question very minutely and carefully, and came to the conclusion it was in the interests of the Presidency and of all the communities and of all classes, whether agriculturists, labour or capitalists, that we should have a Second Chamber in our Province, and I stick to my views in that respect.

With regard to the protection of minority interests, I do not think we could be satisfied merely by a convention, which might take about thirty years, or by something in the Instrument of Instructions; I think it ought to find a place in the Statute itself. I am very keen on the overriding powers recommended by the Statutory Commission for the Governor being accorded.

Sir P. C. Mitter : Previous speakers have referred to special difficulties with regard to Law and Order in Bengal. Speaking with a full sense of responsibility, I wish to say there is no case for treating Bengal on a different footing on this matter or for accentuating the difficulties of Bengal with regard to Law and Order. However, as certain observations were made by the noble Marquess who is now presiding, and in whose judgment I have the utmost confidence, I desire to say something with regard to what fell from him. He referred to an incident which occurred in 1917. As a member of the Legislative Council as it was then I remember that incident, but I would point out that there is a great difference between 1917 and even 1921, and certainly, I hope, 1931. Having worked as a Minister and as a Member, I can say with confidence that whatever communal differences there may have been outside, there has always been an endeavour inside between Hindus and their Muhammadan colleagues to settle those communal differences inside the Cabinet. I am sure every Governor will bear me out in that. We have recently had communal trouble in Bengal; there can be no question about that; but so far as communal troubles of which we have had notice in advance are concerned, I can bear testimony to the fact that the Muslim, whether a Minister or a Member, and the Hindu, whether a Minister or a Member, has always tried with his colleague to settle those differences. Happily in many instances where there was notice in advance those differences were settled at the instance not only of the Muslim or Hindu Member or Minister but of their respective followings in the Legislative Council.

I quite admit, however, that these communal troubles may come all of a sudden. If these communal troubles do come all of a sudden, and if the particular Minister in charge of Law and Order has to deal firmly with them it should not be apprehended that if that Minister happens to be a Hindu or a Muslim his action is likely to be criticised by the other communities. As I remarked on Friday last, we cannot run away from the realities of to-day, and each one of us, including myself, is probably rather too much obsessed with the realities of to-day. If that Ministry has a majority, however, I am sure it will be a majority composed both of Hindus and Muhammadams, and the Minister, be he a Hindu or be he a Muhammadan, will have to look not only to the Muhammadan section of his followers, but to the Hindu section. A Muhammadan will have to look to the Hindu section of his followers as well as to the Muhammadan section, and a Hindu will have to look to the Muhammadan section as well as to the Hindu section.

Again, it has been my experience—and I am sure it has been the experience of many others—that with added responsibility there comes added strength. Look at what is going on in the different Legislative Councils with regard to the transferred and reserved departments. With regard to transferred departments, the added responsibility is shown by the fact that on perhaps only one occasion was there a departure from that responsibility, and that was rapidly made good; generally speaking the Legislative Councils, even those which were against working the constitution, have acted with responsibility.

Giving the matter my best consideration, I say that if in any Province Law and Order ought to be transferred it is in Bengal. Let me not be misunderstood. If there is any Province where Law and Order has created difficulties it is in my Province. Quite apart from communal questions, where is another Province where you have a terrorist movement such as you have in Bengal? I make bold to say that if Law and Order were in the hands of Indians, perhaps that movement could have been checked—I do not say wiped out—more effectively. Let me refer, Sir, to your own administration. How was it that when you left not even the terrorists criticised you? It was because you tried to take into account public opinion, and at the same time you were firm. But, whenever public opinion has been ignored, those who are against the maintenance of law and order raise their heads, and the mere enforcement of law and order will never be able to suppress them.

I know, Sir, that you can always see the other point of view when the other point of view is presented to you, and, as I value your testimony very much, I should like to make an appeal to you. I know you have not the obstinacy of weakness; you have the strength of the strong. You will approach the question from this point of view, and, approaching it from this point of view, let us examine the position.

Let me assume for a moment that Law and Order are in the hands of an official Minister. That official Minister can at the most have but the most grudging support of his colleagues. What will be the type of his colleagues ? There will be no official bloc. The type of colleagues from whom the official Minister can expect support will be a type, I venture to submit, which will not have the confidence of considerable sections of their countrymen represented in the Legislative Council.

What can the official Minister do ? At present he can do a lot of things ; at any rate he can get his will enforced. But when there is no longer an official bloc, and when the Governor, in spite of whatever reserve powers you may give him by the constitution, will be either powerless or, if he has the strength of the weak, will set the whole country ablaze, what will happen ? The only alternative will be for the Governor to call in martial aid. If the Governor does not listen to the advice of his Ministers, whether the Ministry is formed from a majority party or is a coalition Ministry, the whole countryside will be ablaze ; do not forget that. On the other hand, if instead of an official Minister you have a Minister who has the support of his majority, I am sure that in an emergency of that character that Minister will call to his aid not only his own following but, since we are all agreed we are going to have joint responsibility, the following of all the Ministers. Those Ministers, with joint responsibility, will place before the elected representatives of the people what the position is, and show the necessity of maintaining law and order. If there be some Hindu who is communal, some one from the Hindu Sabha for instance, or some Muhammadan who approaches the question from a communal point of view, I am sure there will be other Hindus who will impress on this Hindu, and other Muhammadans who will impress on that Muhammadan, the supreme necessity, in the interests of the people themselves, of the maintenance of law and order.

I do not for a moment ignore the fact that there may be occasions of communal conflict, but the best solution is not merely to take action after the event but in the general formation of public opinion, which is far more important than the police force, however efficient. But, Sir, I speak with a full sense of responsibility as one who has borne his share of the burden of the government of the country, and I ask how is it that the communal question, which I knew in Bengal 15 years ago, is again raising its head ? I do not question the efficiency of the police officers. I have the highest respect for some of them, particularly the Head of the Police in Calcutta. Nor do I question the motives or the efficiency of the Indian Civil Service. I have had the privilege of working with mutual confidence with members of that service. The Civil Service has always tried to be efficient, but it is necessary also to be able to appreciate the mentality of the people. There have been people who have been able to appreciate that mentality, and at the same time to be efficient administrators. Bengal is a Province where Hindus and Muslims are not in conflict and where education is well advanced, but the unemployment problem does give rise to conflict. In that Province, above all others, you do require the help of the non-official. You require efficiency combined with understanding. Therefore I venture to say as my considered opinion that official ministers, whether they may answer in other Provinces or not, will certainly not do in Bengal. As regards a minister who may be a member of the community from which my friend Mr. Wood comes, it would depend on him whether or not he made good. I am one of those who believe that the future policy should be for Hindus and Muslims, British and Indians, to work together with true understanding. If the British elected member remains a member of the Council I would not object if he were in charge of Law and Order, but even when the British minister be in charge of Law and Order it must never be forgotten that he and his colleagues are jointly responsible to the House, and he must act with a proper sense of responsibility. I say, therefore, that there is no case for treating Law and Order in Bengal on a different footing from that in any other Province, but there is every reason for treating Law and Order in Bengal from a more progressive standpoint.

There are only one or two other points on which I may address the Sub-Committee. We have discussed the question of the chief minister at some length. Much of the discussion is really based on a misapprehension. We have been told that statutory provision is not wanted for a chief minister. If there be no statutory provision it stands to reason that the minister who can command a majority, and in commanding that majority, can command the votes of other sections, stands in a stronger position in commanding the majority. Some people are apt to think that if you have 50 to 60 per cent. of the members in one community you at once get the support of those members. We had 39 Muslims in our legislative council, and with the official bloc the total was 44, and they had more than an ample majority in a House of 140. But how is it in Bengal ? From the mere fact that a number of members of the legislative council belong to one community, be that community Muslim or Hindu, you cannot expect that every individual in that community would give his support. I speak from ten years experience. A party in a wider sense of the term—a party with a programme to go before the country—will not be possible so long as we have communal electorates. I am merely stating my opinion. If there be no statutory provision for the chief minister, the particular gentleman who should command the confidence of the majority is hardly likely to do so unless he has the support of the Hindu, the Muslim, the backward classes, the Indian Christians, and others. And the more varied the composition of his party, the greater will be his strength.

My remarks about the chief minister disposed to a certain extent of what I had to say about minorities. For minorities I think it is not possible to have statutory provision, but it is possible to draw the attention of the Governor in the Instructions to the existence of minorities, and, as has been pointed out by Lord Zetland the constitution cannot run unless there is the utmost confidence between the Governor and his ministers, particularly the most important, the chief minister. Without a statutory provision, the Governor, even if the chief minister system be adopted, will have it open to him to point out to the chief minister, that he is neglecting such and such an interest which is very important, and that if the members representing that interest can be brought in and enabled to work together it will be an asset and a source of strength. (*Mr. Henderson at this point took the Chair.*)

Sir Ghulam Hussain Hidayatullah : I still adhere to my opinion that no rigid provision can be made in a statute for the appointment of a chief minister. My friend who has just sat down stated that in Bengal they cannot form a party which can command the confidence of very large sections of the House. Another friend from my part of the country, Sir Cowasji Jehangir, was anxious about the statute.

Sir Cowasji Jehangir : I did not say statute.

Sir Ghulam Hussain Hidayatullah : At least he was laying stress on the point that there ought to be some provision. Now what are the parties in this part of the presidency ? There are the Mohammadans, the non-Brahmin group, or I might call the other territorial group, the majority group. How many Liberals are there ? Only 5 or 6. We tried to form in Bombay, when there was a scramble over the formation of a ministry, certain parties, but there were no parties. Surely it is impossible that a rigid provision in the statute for the appointment of chief minister will work in all the presidencies. I may refer, on the question of minorities, to the fact that certain other countries have had statutory representation of minorities. In Canada the principle of such representation has been recognised as valid and regularly applied since the first ministry of thirteen members formed in 1867 ; 5 of those members came

from Montreal, 4 from Quebec, 1 represented the English speaking population, and the others came from other parts. In the case of an important minority like the Muhammadans, a provision ought to be made for at least one Muhammadan by statute to be in the cabinet. I do not like the members of my community to be left to the tender mercies of the majority. By convention it also might be made imperative that a member of a minority like the Muhammadan or some others might be represented in the cabinet, but the danger of a convention is when the majority may not follow the convention. Therefore there ought to be authority given to the governor to enforce the convention.

Coming to law and order, everyone of us is interested in its preservation. Whoever be in charge of law and order, whether Hindu, Muhammadan, or European is always subject to a certain amount of criticism, and I might say on my past experience that Europeans are subjected to more criticism that the Indian members in charge of law and order. It is admitted on all hands that the subordinate officers from the rank and file of the police are very well disciplined, very loyal, and have carried out their duties under very difficult circumstances, even against their own co-religionists. If the rank and file can conscientiously carry out this duty I fail to see how a responsible minister would not also discharge the duty conscientiously. The Indians in charge of law and order, though they were in a safe and secure position, not subject to the vote of the council, have nevertheless carried out their duties conscientiously, without any consideration of caste or creed. Why, therefore, should not a minister responsible to the legislature carry out his duties with equal conscientiousness, and rise above racial considerations? Moreover, in the cabinet we have joint responsibility. There will be other ministers who will have to accept this policy before he launches it, and so there is a control over him within the cabinet.

My experience of the Montagu Chelmsford Reforms has been that they have failed because of the division of the subjects into reserved and transferred. The elected members of the Council have always resented the fact that the reserved subjects are not subject to their vote. They have always attempted to level their criticism against the reserved subjects, because if they throw out any legislation in the reserved departments it can be certified. Now we are transferring most of the subjects, including Irrigation and Land Revenue, to make only Law and Order reserved will be very difficult and will be an untenable position to take up. Even when we had Councils in which there was an official bloc and nominated members a good deal of criticism was levelled against the department of Law and Order. If we do not transfer Law and Order I am afraid the position of the Ministers who have accepted joint responsibility, with only one official or non-official or whoever it may be who is not responsible to the Legislature, will be very difficult, and they will find it very difficult to carry on. The Ministers who are responsible to the Legislature may feel that they cannot leave their colleague who is in charge of a reserved department in the lurch and ask all their followers to go and vote against him, but if they follow his advice in regard to a particular matter which is not approved by the Legislature I am afraid they will lose their own adherents. Their position will be a very awkward one.

In fact, the separation into reserved and transferred subjects has prevented the Ministers from forming parties, because the members of the Legislature have always said to them " If you will join us in attacking the reserved departments we will blindly follow your lead, but, when the question of the reserved departments comes up, you Ministers who belong to the transferred departments for the sake of policy throw your votes with the reserved side of Government." That has been a great obstacle in the way of forming Ministries. In my opinion, therefore, Law and Order should be transferred.

Coming to another question, the powers of the Governor *vis-a-vis* his Executive and the Legislature, and so on, I will only say a word about this. We have said there will be a Ministry and that there will be joint responsibility; now comes the question of whether the Governor should be bound by the joint advice of the Ministers in all matters or not, or whether he should be given certain overriding powers. To my shame I must admit that there are communal differences among us. My friend Dr. Ambedkar complained of the tyranny of the majority over his class, and went to the extent of suggesting not only that the Governor should have overriding powers but that the Central Government in addition should have those powers. When I bear that in mind, and when I find there are no stable parties yet in my country which can ensure a majority of the elected members—and we have not worked this constitution yet—I think I am in favour of giving the Governor overriding powers in some matters, but at the same time I would suggest that provision should be made in the Statute that as soon as we have worked the constitution properly those overriding powers should be eliminated.

Personally, I am against the idea of a Second Chamber; I think it would merely create difficulties and be a fifth wheel in the coach, but I have left my mind open until I hear what will be the composition of this Second Chamber, what will be the franchise for electing members to it and what will be its functions. If it is merely a Second Chamber, a revising body in regard to Bills, I do not think it is necessary. I fail to understand how this Second Chamber will protect the rights of minorities. We have safeguards in the overriding powers of the Governor for the protection of minorities and in regard to other matters, and if anything liable to disturb Law and Order occurs and the Minister does not take timely action there is the overriding power of the Governor which can be exercised; in order to preserve the safety and tranquillity of the Province he can intervene. We agree that the Governor should be given certain overriding powers, and therefore he ought to be given power to restore demands which are rejected, for the purpose of carrying out those powers, and powers of certification in regard to Bills so far as those overriding powers are concerned.

I fail to see how setting up a Second Chamber would prevent the Governor from exercising certain overriding powers which have been suggested by the Simon Commission. It is suggested he should have overriding powers in order to secure the due fulfilment of any liability of Government in respect of items of expenditure not subjected to the vote of the Legislature. How would the Second Chamber help there, unless this power is given to the Governor? We may not have Security Services hereafter, but at present we have them and they will continue; and therefore if the salaries of the existing staff are cut down the Governor ought to have the power to intervene. Overriding powers are also suggested to secure the carrying out of any order received by a Provincial Government from the Government of India or the Secretary of State, with a view to safeguarding the administration of Central subjects and so on. Those powers are necessary, but should be very carefully defined, so that we may not leave room for the re-introduction of powers of control over the whole Provincial field.

Raja Narendra Nath: I should like to make a few remarks on the subjects which have been under discussion this morning. First of all, with regard to Second Chambers and the desirability or necessity of creating them in the Provinces, I am one of those who admit the utility of Second Chambers. They certainly exercise a steadying influence over the Lower Chamber. The Punjab Government, however, has not proposed a Second Chamber and there is no general demand for it in the Province. It is not that there is any lack of men who would be suitable as members of a Second Chamber, or that they are unwilling to exercise their influence on the policy and administration of the Province, but because of reasons

peculiar to the Province itself. Provinces which have proposed the creation of Second Chambers have at the same time come forward with the proposal that the preponderant influence of landlords should be counter-acted by the representation of other interests. The Maharaja of Darbhanga referred to the matter, and as far as I have read the proposals of other Governments I know that the necessity of representing interests other than those of landlords is admitted.

If that principle were admitted with regard to the Punjab it would create a difficulty to which I do not wish to refer in clear words. We have many controversial issues of a similar nature to settle before we create another one, and therefore for that reason I am not asking for the creation of a Second Chamber in the Punjab, although I think that, if one were created, it would exercise a healthy influence; though in regard to that many of my friends may differ from me. However, that is my view and I must give expression to my own views. The difficulties are of the character at which I have hinted.

The next controversial question which has been discussed is the transfer of Law and Order. I listened very attentively to the speech delivered by Lord Zetland, and I admit there is considerable force in his arguments. At the same time, I know what has been urged upon the other side, namely that there have been Indian administrators who have with great impartiality administered Law and Order and have inspired confidence in all. On a small scale in earlier times I have had my own experience in this matter, and I think I was able to administer Law and Order to the satisfaction of those below and those above. But it is said that the circumstances were quite different; the Indian officers who administered Law and Order were not responsible to the Council or to a populace or to an electorate. It may be so, but everything depends on how that electorate is composed. I will not trench on controversial questions, but it seems to me that every sub-Committee has got something in common with the other sub-Committees which have been appointed. I would not encroach on the functions of other sub-Committees, but it seems to me that if we are able to solve minority questions to the satisfaction of all, most of the difficulties will disappear.

The mentality evinced by Indian administrators and Indian Ministers during the last 40 years will be different from the mentality which will be created under the new circumstances, if we are able to grapple with the problem to which I have referred. In that hope, therefore, I would support the transfer of Law and Order, because the performance of duties is learnt by undertaking responsibilities and learning how to discharge them. An atmosphere has undoubtedly prevailed during the last 40 years, due to circumstances to which I am not referring in detail, which makes the outlook for the future also somewhat disappointing; but if the circumstances are changed I think we can look forward to a better and healthier atmosphere.

With regard to the inclusion of minorities in the Cabinet, there seems to be a consensus of opinion that important minorities should be represented in the Cabinet, and though no statutory provision is necessary a sort of convention may be created, or a clause may be inserted in the Instrument of Instructions from the King to the Governor drawing the attention of Governors to the desirability or necessity of including minorities in the Cabinet. I am not one of those who say that the Simon Report, or any superstructure built on it, should not be touched with a pair of tongs. I have come across on the same boat as Sir A. P. Patro, and I have carefully studied the Simon Report and the Despatch of the Government of India based upon it; and I think the solution which has been suggested by the Government of India is the most satisfactory. They say that they do not fail to recognise the strength of minority apprehensions, and that they give general support to the suggestion put forward by the Government of the United Provinces that the Instrument of Instructions to the Governor should include an obligation to attempt to secure the representation of a minority community in the Cabinet where such a minority is of sufficient importance to warrant it. I think that would meet the case; I do not think we should encumber the Statute with provisions which can be made otherwise.

With regard to the appointment of a Chief Minister, I think undue importance is being attached to that term. There will always be the leader of the majority party, by whatever name he is called. In the Punjab there has been no Chief Minister, but there has been a Minister who has had the largest following. He is not called the Chief Minister, but words do not matter; so long as the man who commands the majority of followers in the Council is consulted it is all right. I think some of the discussion about a provision in the Statute or elsewhere with regard to the appointment of a Chief Minister has been unnecessary.

Sir Chimanlal Setalvad: We have already occupied considerable time in debating the various points that are before us, and I will be as brief as I possibly can. I do not share the view to which expression has been given by my friend Sir Nawaz Bhutto; he drew a very gloomy picture of the state of the Presidency of Bombay, and if his picture is true it is really a plea for abolishing all transferred subjects, scrapping even the Montagu-Chelmsford Reforms and going back to autocratic government.

Fortunately, however, the picture drawn by him in my humble view, is not correct at all, and though I do not say for a moment that there are no difficulties, it is not for us unduly to exaggerate them, and to say that this or the other thing cannot be done. Considerable discussion has taken place on the question whether law and order should be transferred or not. Various doubts and anxieties have been expressed. It has been suggested that the department of law and order should remain with a non-official minister, that the police should be in the hands of a neutral authority—I do not know exactly what was meant by that—and Lord Zetland expressed anxiety with regard to the state of things in Bengal, and doubts as to the desirability just yet of transferring law and order to ministers responsible to the legislative council. But I implore him and all the members of this Committee seriously to consider that, while you are doubting and hesitating whether Hindu or Muhammadan can be trusted properly to administer law and order, events are marching fast in India, and if you continue to hesitate and to doubt and to weigh this and the other, take heed—I am saying it in all seriousness—if there is no real transfer of power there will be in a few years no law and order left in India to adminster, and you will have to go on administering the country by force. You have to make your choice. There may even be mal-administration for a time if you transfer law and order, but the choice you have to make is as to whether you will, so to speak, in the hope and expectation and firm belief that ultimately, when responsibility is thrown upon the people, things will come all right, act according to that faith, or whether you are going to take the alternative of disturbing law and order continuously, not in one Province but in the whole country, and carry on rule with armed force. Sir, I say this with all seriousness, and with all emphasis, not by way of any threat, not by way of trying to frighten anyone, but I say it because I feel deeply about it. I feel convinced as to the truth of what I am saying, looking at the events which were happening in India while we were there, which are still happening after we have come here, and which are bound to happen unless the British Government are prepared to do something big that will arrest the imagination of the people and bring them back from the ways in which they have travelled, putting before them something which they think is worth working for. Unless you do that, things to my mind are hopeless, and I say this in all seriousness, I, who have always been a supporter of law and order, who have always been, as we Liberals have been, reasonable supporters of Government, we who have surrendered large incomes in order to take up and work for reforms, we who know the people, we who know the conditions obtaining in our Presidencies—I

say that I warn you again that if you go on tinkering like this, hesitating and doubting whether this can or cannot be trusted to the Indians you are committing the greatest blunder in history. I will pass on.

As regards law and order, look at the state of things in Indian States like Hyderabad and Kashmir. In Hyderabad 90 per cent. or more of the population is Hindu. There is a Muhammadan ruler, a Hindu chief minister, and law and order is administered there by the Muhammadan ruler and a predominantly Muhammadan cabinet over a 90 per cent. Hindu population. Is there any trouble there ? In Kashmir we have the reverse position. There we have a Hindu ruler, with a very large proportion of Muslim subjects. Law and order is administered by members of one community though that community is a minority in the Province. If you once throw responsibility on the shoulders of the Indian ministers I do not see why there should be any trouble there at all. Therefore I appeal to you to put the utmost confidence in the Indian, if you are going to trust him with self-government, and see what happens. I assure you, you will not be disappointed.

Coming to the various other subjects about the over-riding powers of the Governor, I submit that if you have full autonomous government in the Provinces, you cannot have vested in the Governor the present powers of interference. For instance, at present he has the power of certifying any bill or law which the legislative council has rejected. He has the power to restore any grant which the legislative council has thrown out on the presentation of the budget. That power acts in a very vicious manner. It makes the legislative council irresponsible, it makes the executive also irresponsible in a sense. Let us say that the question of a particular grant or a particular bill is put before the legislative council, the council, if it has some grievance, may throw out that particular proposal irrespective of its merits, because it is fully conscious that this will not bring the government to a standstill, and that the Governor will restore it. But if they knew that when they threw it out the responsibility would be upon them and upon their ministers to carry on the administration, they would think twice, thrice and many times before they threw out any grant except on its real merits. The present power of restoration of grants engenders irresponsibility in the members of the council, because, as I have pointed out, they are sure that whatever pranks they play, the King's Government will be carried on. There is the power of restoration, and they know full well that it will be restored. Therefore I submit that those powers of restoration of grant and certification should go. The powers vested in the Governor under Section 52 (3), in which he is entitled to take action contrary to the advice of his ministers should also go. I quite admit that if there is breakdown in the constitution or if the tranquillity and peace of the Province may so require, he may be given certain powers circumscribed by proper conditions.

Then, in this connection, the question of Second Chambers has been put forward. In my humble view it would be a great mistake to institute Second Chambers in the Provinces. We have the considered opinion of a majority of the local governments against the institution of Second Chambers. If you institute Second Chambers you produce occasions for conflict and strife, and instead of smoothing the work of administration you will create difficulties where none exist at present. Some members suggested, very disinterestedly, that a Second Chamber will be a very good thing for the protection of minorities and other interests. I fail to see how the Second Chamber is going to protect the minorities, and, as has been pointed out already, you will have immense practical difficulties. What is the Second Chamber to do ? Is it to have co-ordinating powers, and the same sort of powers with regard to the budget as the lower house ? If you do that, you immediately put both Houses in conflict. Are they to have a co-ordinated voice in every matter considered by the legislative council ? It would be very difficult in practice to adjust the relations of the two Houses, and occasions for conflict would be created where at present none exist.

Then with regard to the suggestion about the Chief Minister, I have carefully heard what has been said against it, but I still hold to the view that the best system is to have a chief minister who recommends to the Governor the names of his colleagues. No doubt the Governor, if there be special reasons for not accepting his recommendation, must refuse it, but I do not see how you are to have the principle of joint responsibility working unless you have the chief minister. How can you put together three or four individuals who are not of the same mind and are selected by the Governor independently of each other ? How are you to get them to work with joint responsibility ? You must devise some system by which the ministry brought together is one that will work in common, and that can only be done by following the ordinary procedure adopted in these matters. The Governor sends for the person having the largest following and asks him to undertake the administration and suggest to him the names of his colleagues.

Then, Sir, a lot has been said about minorities and their protection, that a certain provision should be statutory or a convention, or that some other method should be taken. May I appeal to all the members of this Committee that we should not complicate the issues before us by going into the question of minorities. The question would include their proportion in the councils, their places in the cabinet, in the services, and all the various safeguards, and this question is going to be considered by a special Minorities Committee. All these questions will have to be considered in a Committee with other people who are not here today, but who are interested in the question. As some members know, there are conversations proceeding on these very subjects between the people who are working with regard to Hindu and Muslim minorities and other questions, and it is very likely—I hope it will be so—that these questions will be satisfactorily settled by mutual agreement. Therefore let us not complicate the situation by discussing piecemeal the question of minorities as regards the Provinces. The question has to be looked at as a whole for the whole of India. Let that subject be considered comprehensively by the special Minorities Committee which must deal with all these questions, their place in the Cabinet, in the services, in the legislative councils, and other analogous questions. I beg of you to leave that question to be dealt with by that committee where all these considerations and many more may be considered, and some proper solution reached.

Raja of Parlakimedi : I rise to offer just a few remarks in favour of second chambers. The institution of second chambers throughout the Indian Provinces, I feel, is very necessary. The Provinces are vast, their population huge, their interests varied, and in many Provinces these interests clash with one another. Not long ago in my Province an attempt was made by the party in power to deprive certain owners of property of rights which they had held hereditarily for ages, and had it not been for the support which those who were threatened received from the Central Government, legislation would have been carried of a very drastic nature with disastrous effects. India, like other parts of the world, has vested interests which are subject to attack, and unless there is such an amount of safeguard, the minority community run a great risk. The democratic system of government is, after all, an experiment, simply grafted upon the oriental mind, and countries that have worked the democratic system of government for long periods have found the necessity of continuing second chambers. It is necessary for India to have, for the time being, if not for ever, second chambers. These need not be entirely for a certain section of the land interests. The land interests in India have never tried to deprive others of their possessions or to encroach on their rights. Their ideal has been always to be useful to others and to

further the advance of whatever comes under their control. It is the principle of the landed interest to-day also to see that, while seeking protection from encroachments on the part of others, it should not itself be a stumbling block in the way of other interests coming into the Second Chamber. In addition to the land interests, there are other interests which also I have had occasion to study, and which have been rather neglected by legislatures in certain Provinces. If a Second Chamber were instituted which should include commercial interests, the land interest, and also the services, together with people of long experience, I am sure it would be a very desirable institution to hold the balance equal, and also a source to which minorities and vested interests could look for protection.

Sir Cowasji Jehangir : Since this question of an official minister has been raised by so important a member of this Committee as Lord Zetland, I may be allowed to say just a few words. Lord Zetland has agreed to the transfer of all departments, but from his experience in Bengal he has come to the conclusion that law and order should be in the hands of a man who is neither a Hindu nor a Muhammadan.

Lord Zetland : I did not say that this should necessarily be so, but that there should be a discretion.

Sir Cowasji Jehangir : I stand corrected. Lord Zetland thinks that there should be an opportunity for the Governor and the chief minister to appoint to this post a man who is neither a Hindu nor a Muhammadan, and in order to do that he has suggested that an official should be a minister. I understand, therefore, that his suggestion amounts to a possible safeguard with regard to law and order. Well, Sir, we have heard a good deal from other members as to the success with which Indians have administered the department of law and order in several Provinces. I am quite prepared to admit that these Indians had been members of the Executive Council. I understand that some Englishmen who have had experience in India may feel some hesitation on this subject, but Lord Zetland has given us an example to illustrate his point. He is apprehensive of adverse criticism of even just and honest conclusions and actions, and of the effect which this might have upon the morale of the police. May I point out that since Lord Zetland left India we have heard not a small amount of criticism of English members of Government all over India holding the portfolio of law and order. Such criticism has not come only from Hindus and Muhammadans, I venture to suggest that it has also come from members of his own community, and sometimes I even believe it is a truism to say that a man holding the portfolio of law and order cannot do anything that is right to-day, and it follows absolutely, as day follows night, that he is going to be criticised. I am afraid I cannot admit the argument that criticism of even justifiable actions on the part of the Minister, whether a Hindu or a Muhammadan, would affect the morale of the police. If that were so, the police would have very little morale left by now.

We have heard that the police have stood up to the great task which has been placed upon them with conspicuous loyalty to their Member and to the Government, and therefore the main argument which it seemed to me Lord Zetland put forward to support the Governor or the Chief Minister appointing an official does not really bear examination.

The second argument was that if he were a Hindu the Muhammadans might criticise ; if he were a Muhammadan, the Hindus might criticise—the old communal question. But to-day, with an Englishman holding the portfolio of Law and Order, it is both Hindus and Muhammadans who criticise him ! He is accused to-day of siding either with the Hindus or with the Muhammadans ; he is sometimes accused by both for other reasons. Therefore in critical times, in times of difficulty and of communal tension, whether you have a Hindu or whether you have a Muhammadan or whether you have an Indian who does not happen to be either a Hindu or a Muhammadan, I am afraid he will be criticised and his just motives will be impugned. You are not, therefore, going to get over that difficulty by suggesting that in such times it would be an advantage to have an Englishman. I firmly believe that in these critical times it is a distinct advantage to have an Indian—a distinct advantage.

Sir Chimanlal has very eloquently appealed to you all in the name of both England and India, and I need not add to that appeal. I would ask you to go forward with courage and, if you have any apprehensions, to choose the lesser evil. We who have to suffer, we who will lose most in India by disorders, by anarchy, by terrorism, we are prepared to take our courage in both hands. Many of us, who five or ten years ago would have hesitated to hand over Law and Order to a Minister, are not only prepared to do so now, but urge and advocate that it should be done for our own safety, and in the name of the connection between Britain and India.

I must just say one word about the question of the Chief Minister.

Chairman : Did not you give us that the other day ?

Sir Cowasji Jehangir : Yes, but when you were absent Sir Ghulam Hussain mentioned that I had asked for a Statutory provision. I did not ask for a Statutory provision for a Chief Minister.

Sir Ghulam Hussain Hidayatullah : Then we both agree.

Sir Cowasji Jehangir : I asked that the matter should be dealt with in the Instrument of Instructions to the Governor.

Sir Ghulam Hussain Hidayatullah : I said the same thing.

Sir Cowasji Jehangir : There is a difference, and I really cannot see why there is all this objection. There are only two alternatives ; either the Governor chooses his Ministers with the advice of one or two prominent elected members of the House, or one prominent member picks out the names of the Ministers for the approval of the Governor. The Governor will have the right to disapprove of any name, and he will have the right also of carrying out the directions he may be given under the Instrument to see that minorities are safeguarded. The great advantage of having a Chief Minister who will choose his own men and get them approved by the Governor is that there will be joint responsibility.

Sir Ghulam Hussain Hidayatullah : Without a large party at its back.

Sir Cowasji Jehangir : We have heard about the Governor's overriding powers, and I want to ask a question about that. A good deal has been said about Second Chambers. Is it open to us on the present occasion to raise the question of the life of the Executive, as to how many years the Executive is to last and as to the circumstances under which a vote of censure can be moved, or does that come under a separate head ?

Chairman : I have already announced that I do not see how you can separate any of these questions from the composition and constitution of the Provincial Executive.

Sir Cowasji Jehangir : Under those circumstances it is a new issue altogether that I propose to raise, and I am afraid I shall have to deal with it. If it does not come under this head I will resume my seat, but if you rule, Sir, that it does come under this head I shall have to deal with it, because it has not been touched on yet.

The life of the Executive, I presume, will be the same period as the life of the Legislature ; if the Legislature is to have a life of four years I presume the Executive will also have a life of four years unless it is turned out by a vote of censure or by the rejection of a Bill or grant which the Executive considers of such importance that it chooses to tender its resignation. I think we must consider by what majority the House can pass such a vote of censure. We have heard a good deal about the desirability of

stability; we have heard a good deal about the groups that exist in the Legislatures in India, and there is genuine apprehension in the minds of some that a Ministry under certain circumstances may undeservedly be turned out. Therefore, to give some stability to that Ministry, it is necessary to consider ways and means. On that account I am one of those who believe that it would be advisable to provide in the Statute that no vote of censure should be carried without a two-thirds majority. That will give the stability which is wanted to the Ministry and which will help us and help those members of the British Delegation who are so anxious to provide stability by the overriding powers of the Governor.

I am not in favour of those overriding powers of the Governor, because our experience of dyarchy has shown that these overriding powers are often made use of on occasions which the originators and authors of the legislation never intended. I do not wish to go into details, but we have had experience of that and therefore, anxious as we are to have as little interference as possible from the Governor, and anxious as we are that a Ministry should be stable, I think it advisable that this suggestion of requiring a two-thirds majority to turn out a Ministry by a vote of censure should be considered. I would even go further and would be prepared to consider a definite life for the Ministry, as in America, say three or four years, and have a Ministry which cannot be turned out for three or four years.

Mr. Zafrullah Khan : Also at the Centre ?

Sir Cowasji Jehangir : I am not talking of the Centre but of the Provinces.

Sir Chimanlal Setalvad : Then it is not responsible to the Legislature.

Sir Cowasji Jehangir : It is in a way, and I would have it appointed not by the Governor but by the Chief Minister in consultation with the Governor. I would suggest for the consideration of the sub-Committee that for the stability of the Ministry we should have these two provisions. I am not going to be dogmatic on the question, but since no one has alluded to these very important matters, and since under your ruling, Sir, they fall under this head, it has been my duty to place them before you for consideration.

Chairman : It is time for us to adjourn. I have some half-dozen speakers still on my list, and I think you will agree with me that when I have exhausted those on my list I should try to give you what I conceive to be the sense of the Committee on the various points which have been discussed. I think we shall all agree that we cannot go round the table again; at least, I hope so. I have given a fair amount of latitude, and I hope that by about noon to-morrow I shall be able to sense the feelings of the sub-Committee on several of the points. If I feel satisfied that any point requires further discussion I shall separate it from the others and suggest that we discuss it a little further. We will hold two meetings to-morrow, at 11 a.m. and 3 p.m.

(*The sub-Committee adjourned at* 4.45 *p.m.*)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. II (PROVINCIAL CONSTITUTION), HELD ON 9TH DECEMBER, 1930.

Sir Robert Hamilton : Mr. Chairman, the subjects which we have been discussing in this Committee have been very fully discussed in detail and I do not propose to deal with them at all in detail; but I thought that perhaps the Delegates from India particularly might desire to have an expression of opinion with regard to one or two of the points from another member of the British Parliamentary Delegations.

I should like to say at the outset that I think we must remember, having regard to the discussion which has already taken place, that in the matter of the transference of law and order we have not at all considered what the relationship of the Provinces to the Centre will be, and it might from some aspects have been more desirable if we could have carried on our discussions here having some knowledge of what that position was likely to be. I only mentioned that in passing because it is a very important point which we shall have to bear in mind.

With regard to the heading which is entitled : " Provisions to safeguard the administration of law and order," which we are considering, I may frankly say at once that I consider the best safeguard that can be given is the fullest responsibility that can be placed on the Minister. From whatever point of view you may regard it, responsibility must be the final and ultimate test, and if a Minister cannot pass the test of responsibility he cannot pass anything. Now, having said that, I should like to say a word or two with regard to the official Minister. It is obvious from the views which I have already expressed that I, in company with many of those who have already spoken—I think almost all who have spoken—feel that there are very great objections to an official Minister being included in a Cabinet on which there ought to be a joint responsibility, because the inclusion of such a Minister must inevitably go to weaken the joint responsibility of the Cabinet. But I should like to say this, that we have got to bear in mind that there may be difficult circumstances at the starting of the new scheme. We should as realists keep that before us. We want to see the new scheme a success and we should not take any step or do anything which might impair a fair chance of success. That being so, I would not rule out the possibility of a Chief Minister asking to include an official in his Cabinet, particularly at the start. It may be necessary and I would not rule it out. But I am inclined to think that in the course of time the necessity, if such a necessity should exist, will lapse, and less and less will it become necessary for a Chief Minister or a Governor to go outside the ordinary elected members in order to form a Cabinet.

Now as regards the non-official Minister, to the same extent we, with our long experience in this country and with the great reserves that we have to call on, still feel it necessary sometimes to go outside the elected members and get a non-official to help the Government. I would not rule it out. We do not do it as a rule, but I would keep it as a possibility, especially when you remember the difficulties that you may have in starting the new scheme.

Now, when we come to the relationship of the Chief Minister and the Governor, in the same way I would say : do not make too hard and fast rules which may tie the hands of the person who has to start the machine at the beginning. I look to the Chief Minister inevitably eventually as being the person who will be called upon to select and form a Cabinet; but at the start it may be difficult; there may be very great difficulties in the way; there may not be a man sufficiently outstanding; there may be all sorts of personal difficulties in the way. Therefore I would only say : Do not make too hard and fast a rule at first which may tie the hands of the Governor in choosing a Cabinet. It is inevitable to my mind that as years pass by the most important man definitely becomes Chief Minister; he selects his Cabinet and he advises the Governor. As that is the inevitable rôle which I think must be followed I would not do anything which would hamper the machine at the start by tieing the Governor's hands too tightly. As regards his over-riding powers, I think over-riding powers such as may be reserved must be very very strictly defined and very limited in use;

and again they will lapse in practice. It is astonishing to think at this present day what enormous theoretical powers the Crown in England has; but they have lapsed in practice because the responsibility has been a success. The more that responsible Government becomes a success the less necessary will be all the additions or safeguards so-called that are put in at the start. I do not think I need say anything further on that point.

I would just like to say a word in passing on the question of two Houses or one. We in England are accustomed to two Houses and we prefer it; but because we prefer it in England I do not think that should rule out anybody else who prefers one House having one House. There has been a very great difference of opinion expressed in India in different Provinces as to whether there should be two Houses or one. I would make no uniformity; if one Province wants two Houses let them have it; if another Province wants one House, let them have it. I would have it embedded in the constitution that if they like afterwards they could change it and go from two Houses to one House if necessary. I do not see any vital reason why we should have uniformity in this. Conditions vary in the different Provinces; it may suit the circumstances of one Province to have two Houses and of another Province to have one House. Therefore as far as I am concerned I would leave that entirely open to the choice of the Provinces. All through as a general rule I would suggest that we should avoid any rigidity in framing the constitution at the start. Where it is necessary to have safeguards let them be in the nature of regulations and instructions which can be easily altered. It is very hard, as you all know, to alter anything which is once put in a Statute but it is very much easier to alter things which are put merely in Instructions. Having regard as I said just now to the great diversity and variety of circumstances in India, why should we worship a fetish of uniformity?

Finally may I say that when we are building, or attempting to build—and I hope we shall be successful in building—this enormous structure, we should be very careful to see that the foundations are of the firmest. It is my belief that the firmest foundation on which you can build is responsibility. If you build on those firm foundations, never mind your scaffolding which is necessary when the building is going up but when the building is finished the scaffolding can come down.

Mr. K. T. Paul: Mr. Chairman, as I am the first Indian member you are pleased to call upon to speak this morning, may I have your permission to say a word regarding a matter which is uppermost in the minds of most of us, I take it, regarding the incidents that have happened in Calcutta. I believe, Sir, I am expressing the view of my colleagues when I say that we have heard that news with great horror. Here a number of young men, three young men I believe, entered the chief Secretariat buildings with arms and shot down in cold blood officer after officer. We have come here for a settlement of the affairs of India which would make such a thing as that impossible, and the atmosphere provided by an incident like this is the last thing that is desirable. I do trust that public opinion in England will realise that those who are responsible for acts of this sort in India are a group which does not represent either the nationalist feeling as a whole or any of those whom we represent here.

At the same time, Sir, I feel it my duty to say that the way to make that impossible is by not merely—I say not merely because it is inclusive—stiffening the processes of control by the Governor. There should be no one in his common sense who would ask for anything else. At the same time I feel it my responsibility to state here in unmistakable language that some of the actions of the Executive through the police, recently particularly, have no doubt been the immediate cause of provocation for such senseless acts as these. Therefore I trust and hope and plead and beg His Majesty's Government to see if it will not be possible to carry on the most rigorous and firm administration without having recourse at the same time to those excesses which are so often unjustifiable and in my view, speaking as an eye witness, so often brutal and immoral.

Sir, permit me to revert to the subject on hand, the making of a constitution. I am speaking as an amateur come for the first time into the arena of politics. It seems to me to be somewhat in the nature of filling a cross-word puzzle: the filling of any one House depends so much upon the way in which the other Houses are being filled. For instance, referring to the particular point and the only point I want to speak on this morning, namely the Second Chamber, the way in which I should answer that question as to whether we should have a Second Chamber or not depends to a very large extent as to how the other Houses are going to be filled. If the relationship between the Central Government and the Provincial Governments is one way, then a Second Chamber would not be necessary; if the powers of the Executive and the make-up of the Second Chamber are in another way, then a Second Chamber may be allowed or may be necessary. So that it is extraordinarily difficult, particularly to an amateur like myself, to come to a definite conclusion as to whether at this stage a Second Chamber is desirable or necessary.

But I still see very clearly one or two things which it is my duty to state here so that there may be no mistake about it. It has been argued that a Second Chamber will be necessary for the protection of minorities. Sir, in regard to a small minority like mine most of the things which are considered to be grievances arise not in the course of legislation but in the processes of administration. In regard to the prevention of such acts which are considered to be grievances or in regard to remedying them after they have taken place, I do not see how any good can come from a Second Chamber. I am speaking subject to correction; if it can be shown that a Second Chamber will really prevent administrative deviations or will be able to correct administrative deviations after they happen, then I am willing to vote for it; but so far I do not see how it can be so. Even as regards the interests of the landed aristocracy in the country it seems to me that the argument directed from that angle is also on the assumption that the Second Chamber will be made up in some way which will give perpetually to the landed aristocracy a place of security or dominance in that House. On the other hand, so far as I can see the trend of political developments in the country, I can only forecast that the real security for the landed aristocracy, or of industry, capital, high finance and commerce, or any such special interests, consists in making its case in the one Chamber which is popular and in carrying the good will of that Chamber in regard to their interests. It is there where all the interests are represented, where labour is represented as well as capital, where the peasant is represented as well as the landlord, where all the communities are represented and not merely the small minorities; it is there that on principles of good government, high policy, mutual understanding and generosity, each special interest is represented and should carry the convictions of the whole House.

In addition to that, the steady development of democratic ideals in the rising generation will render a Second Chamber a constant irritant to them. Your Swarajists of the future will fasten their teeth in the Second Chamber and either ask for its abolition or work for its emasculation to such an extent that anything that is expected of it will become impossible of fulfilment.

All I have been saying with regard to a Second Chamber depends on how it will be constituted. We have not been told by anybody what scheme there is. Almost everyone who spoke here yesterday spoke about a Second Chamber, but it seemed to me everyone spoke with a mental reservation and assumed there would be a full dress debate about it. There was no attempt to discuss how it should be constituted and what its powers should be with reference to the Lower House or with reference to the Executive: for instance, whether the Executive should be responsible to it or not, and if so to what extent. I do hope, Sir,

that when you summarize the discussion with regard to all the points at the end of our session this morning you will still allow some time, either this afternoon or to-morrow, for a full dress debate on the Second Chamber, when someone who has convictions about it will be able to make us visualize the whole story of how a Second Chamber is to be constituted and what its various relations will be. Meanwhile, I do not see how a Second Chamber can be a protection to my minority or to any special interests whatsoever.

Mr. Zafrullah Khan : In view of the fact that yesterday morning you, Sir, were pleased to enlarge the scope of the discussion and were pleased to direct that members may express their views on all the sub-heads included in Item 2, I will, with your permission, add a few observations to those which I submitted on Friday last.

The views put forward by the Marquess of Zetland have been already submitted to a considerable amount of criticism and discussion. I believe it is the just due of his great personal ability and experience that the views put forward by him should be submitted to minute and careful examination in order to see exactly what his apprehensions are and whether the suggestions put forward by him are likely to meet those apprehensions; that is to say, in practice how will his suggestions operate, and will they obviate the dangers which he apprehends may arise in case there were no such reservations in the constitution as he proposes.

Now, I must confess that I found myself a little unable to follow in complete detail the exact suggestions put forward by His Lordship. He first started with the position that although in some quarters it had been suggested that, with regard to some Provinces at least, the Department of Law and Order might be reserved, he personally, while thinking there was a great deal of justification for that view, was of opinion that the advantages likely to result from the reservation of Law and Order were far outweighed by the disadvantages that would result therefrom. The first position he took up, therefore, was that if there is going to be any further transfer of subjects, it is proper that all subjects should be transferred. That being the first position, we want to show to our people in India that we have agreed that dyarchy in the Provinces shall disappear.

Then he went on to detail his apprehensions with regard to the administration of the department of Law and Order, and there are two positions which he took up. He was at pains to explain to the sub-Committee that he was not of opinion that merely on account of difference in race a British Minister or a British administrator of the department of Law and Order would be more competent to administer the subject than an Indian. I do not think there need be any apprehension that he intended in any way to question the competence or the ability of an Indian Minister to administer the department. He made two points, however. First of all he said that a European as such would be likely to take up a more unbiased and neutral view of any situation that might arise, and secondly he said a European would not be subject to the pressure or coercion of members of his own community in the Legislature in taking or in refraining from taking any measures to cope with any particular situation that might arise.

Let us consider for a moment whether the remedy suggested by him would work out as he said it might. He said he was not confident the time had come when immediately the department of Law and Order could be administered by somebody who was responsible to the Legislative Council. That is rather in conflict with the conclusion recorded on the first point.

Lord Zetland : May I correct the hon. member there? I did not object to that; I quite agree that if a non-elected Minister is brought into the Ministry he shall be responsible to the Legislature in common with his colleagues.

Mr. Zafrullah Khan : The position was that discretion should at present be left to the Governor so that if on any particular occasion he felt it was necessary to do so he might bring a non-official non-elected person into the Cabinet, and that that non-official non-elected Minister should, along with his other colleagues, become responsible to the Legislature. So far as that is concerned, I am not clear in the first place whether Lord Zetland advocated that there should also be a discretion to include an official Minister or not, and secondly, whether the non-official Minister who was to be included should on all occasions be a European.

If the non-official to be included may be a Hindu or a Muhammadan, his appointment is open to the same objections from the point of view of Lord Zetland to which the appointment of an elected Hindu or Muhammadan Minister would be. He would be as much liable to pressure by members of his own community in the Legislative Chamber as would be an elected member who is appointed a Minister. If, on the other hand, he is going to be a European in all cases, I seem to recollect that when some member suggested it would be possible for the Governor to select an elected European member of the Chamber for the portfolio of Law and Order, Lord Zetland took the view that such gentlemen are generally members of the commercial community and can ill afford to leave their business to take charge of the portfolio of Law and Order.

Viewing the situation generally, whoever the Minister may be, if he is responsible to the Legislature along with his colleagues then, along with his colleagues, he is subject to the same amount of pressure from the Legislative Chamber in the administration of his portfolio as any of his colleagues. The policy which he is going to pursue will be a policy which has been approved by the whole Cabinet; and, if that is so, it does not make the slightest difference, if in reality you are going to enforce the doctrine of joint responsibility, and if in fact and not merely in theory everybody, whether he is a European or a Hindu or a Muhammadan or an Indian Christian or a Parsi, so long as he is inside the Cabinet, is going to work as a member of a team and is going to take full responsibility for all the measures of all his colleagues it does not make any difference who is administering Law and Order.

The safeguard is there, and if by putting in a non-member Minister or an official Minister you are seeking to give him, as it were, a larger discretion and in some way invest him with immunity from pressure from the Legislature, to that extent you will really be reserving that department. It will mean that while you want to show you are transferring it you are really wanting to reserve it; and, whatever else you may do and whatever else you may concede or not concede, I warn you of one thing; do not seem to be doing a thing when you really do not mean to do it. If you proceed in such a manner, any scheme of reform you put forward is bound to be wrecked, because more than anything else we must start in an atmosphere where the people of India will believe that whatever seems to have been conceded has actually been conceded and is meant to be conceded, and that when we say dyarchy must disappear from the Provinces it does disappear, and that we are not bringing in a camouflaged sort of dyarchy by reservations or safeguards or whatever name we may give to them.

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The Marquess of Zetland asked what the safeguards are with regard to the administration of Law and Order. There is no doubt that a great deal of apprehension has been felt with regard to the administration of this portfolio. One safeguard has already been suggested by Sir Robert Hamilton, who has said that the best safeguard is the fullest sense of responsibility of the Minister who will be entrusted with the portfolio of Law and Order. That is one safeguard—the natural anxiety of a man who is placed in that position to make good. That anxiety would ordinarily override any other considerations of a communal or other character by which he might be likely to be influenced. That is one thing.

Then in actual practice, as to the orders he should give or the policy he should pursue, he will have the advice of the permanent staff of the Police Department; naturally all proposals and so on will come to them. There is also the doctrine of joint responsibility, which means that matters of policy will always be discussed by the Minister with his colleagues, and a certain policy settled which he will be bound to follow. Then there is almost unanimous agreement that there should be some sort of overriding power of the Governor in the Department of Law and Order, and that is a safeguard. If, nevertheless, an apprehension is felt that a situation may suddenly arise with regard to which orders have to be given, and that that requires that somehow the matter should be so circumscribed that no one should be able to take independent action, I am afraid that if that argument is followed to its logical conclusion it would mean that no Indian should be employed in the Police department at all, because often the first action to be taken has to be taken by the Superintendent of Police of the district where the occurrence takes place, or by the District Magistrate of the district and the higher Police officers. If you argue that no Hindu or Muhammadan is capable of discharging his duty impartially in a crisis like this, it is an argument that no Hindu or Muhammadan should be employed in the Police force at all. By the time the matter reaches the Minister it has become a question of policy and not of giving instructions as to what should be done in a particular emergency, which is not the business of a Minister in any department. There will be these safeguards. The Minister will have the advice of the Inspector-General of Police and he will have an opportunity of discussing matters with his colleagues, and then, in grave matters, the Governor can interfere. I think sufficient safeguards are thus provided and that the apprehension of Lord Zetland that the time has not come when you should really transfer Law and Order to the control of the Legislature is not well founded.

The second topic on which I wish to submit one or two observations is that of Second Chambers. With regard to this I agree entirely with what has fallen from Sir Robert Hamilton, namely, that each province should be allowed in this matter to express its views, and if some provinces desire that Second Chambers should be set up in their Province those Second Chambers should be established; in other words, the recommendation of the Government of India on this matter should be followed. Those Provinces which have asked for Second Chambers should be allowed to have them, to begin with at any rate, with power to do away with them if experience shows that they are not fulfilling any useful purpose. Other Provinces, which have definitely said that they do not want to be saddled with Second Chambers, should not be forced to have them, although I think even there power may be given that if, after experience, they think they ought to have them they may be able to pass constitutional legislation and set them up.

I do not think the matter can be carried any further so far as the constitution of these Second Chambers is concerned, and so far as my own Province goes, the people of my Province have not asked for a Second Chamber. The Legislative Council has not asked for it; the Provincial Committee said they did not want it; the Provincial Government have said they do not want it, and the Government of India has said that it need not be set up in the Punjab. I wish it to be noted, therefore, that so far as the Punjab is concerned from no quarter has the demand been made for a Second Chamber in that Province.

The third matter to which I want to refer is one to which allusion was made yesterday by Sir Cowasji Jehangir. Dealing with the question of what he described as the life of the Executive, he was of opinion that, having regard to the peculiar conditions prevailing in India, the Provincial Executive should if possible be made irremovable during the lifetime of the Legislature, or, if it was to be removable, then it should be liable to removal only by a vote of censure supported by a two-thirds majority of the Legislature.

To that suggestion I have to take the strongest exception. If you make the Provincial Executive irremovable altogether, there is an end at once of responsible government. What Executive will consider the wishes of the Legislature in any matter if it knows that however it acts it is not liable to be removed by the Legislature? After all, the whole doctrine of constitutional responsibility involves placing power in the hands of the Legislature to turn out the Executive if the Executive no longer possesses the confidence of the Legislature. I do not think this suggestion requires any detailed examination to be rejected.

The next suggestion is almost on a par with the first; that is to say, it is suggested that a majority of two-thirds of the members of the Legislature should be required before a Ministry can be legally censured and turned out. Let us look at the implications of that suggestion. Would Sir Cowasji Jehangir, for instance, say that a majority of two-thirds would also be required to reject any grant included in the budget, or the whole budget for that matter? If the budget could be defeated by a majority of one vote and the whole machinery of government brought to an end, it is rather illogical to expect that a mere vote of censure, asking for a change in the Ministry, should require a majority of two-thirds. If you allow the budget to be passed or defeated by a majority of one, you are allowing a majority of one to do a much bigger thing than merely censure the Ministry, and as a consequence of that majority of one the Ministry will have to go out; yet for a vote of censure at any other time you require a majority of two-thirds.

Secondly, you are making it possible for the Government to select a group of ministers who command in the House the support of one-third of the members. If they do that and are able to maintain that support then they cannot at any time be turned out. I do not know what sort of responsibility you are bringing in, nor why Sir Cowasji Jehangir was so particular that the Governor must be a constitutional Governor, and that he must have a Chief Minister who would select his own colleagues. If we want to make any change in the constitutional doctrine that a Ministry can at any time be turned out by a vote of censure or of "no confidence," subject to safeguards that it should not be a snatch vote or a vote which does not really represent the wishes of the majority, we shall be doing away with responsibility. I do not think that the wishes of the majority should be flouted in this or any other matter. I am reminded of another safeguard in connection with the stability of Provincial Cabinets which the Simon Commission recommended. They have suggested that the Ministry should be turned out only on a vote of censure of which due and proper notice has been given—and with that I agree—but they have also said that the salaries of the Ministers should be laid down by statute and not altered except by statute. To that also I have no objection, provided that it means a Provincial Statute after the new constitution has come into force, but I do object to it in other circumstances if it would mean that the question of salaries was now to be settled by Parliament, and settled on the scale at present operating in the Provinces. That would not be equitable at all. Some Provinces have reduced the salaries of Ministers already; others have not reduced them on the ground that a revision was pending. In some Provinces the Ministers are being paid far more highly than others, although perhaps the responsibility in the less highly paid Provinces is the greater. I would therefore suggest that any kind of safeguard in respect of Ministers' salaries should be embodied in a constitutional statute laying it down that within a definite period after the new constitution comes into force each Provincial Chamber shall be required to pass a statute fixing the salaries of the Ministers in that Province, and if that is accepted by the Governor and passed into law, those salaries shall continue and shall not be liable to reduction by a vote in the Legislative Chamber, any alteration in them being brought about only by a subsequent Statute.

One matter has been mentioned by one or two members of the Committee, but not pursued further, presumably owing to the fact that it is not a matter with which the Statute can deal, though it is of some importance in administration. It concerns the selection of Governors for the Provinces. We are aware that that is a privilege of His Majesty alone. He can appoint whomsoever he chooses, but certain conventions have in the past been followed with regard to the appointment of Governors of different Provinces. To the Presidencies ordinarily a British statesman or public man from England is appointed, and to the other Provinces some member of the I.C.S. We have therefore Provinces which have ordinarily British public men appointed as Governors, and Provinces which have ordinarily I.C.S. Governors. In this connection again I think the position is going to be different under the new constitution. If the doctrine of the real and complete responsibility of the Provincial Executive to the Provincial Legislature is to be enforced it is a logical conclusion that the Governor must be appointed from outside the cadre of the Services. Otherwise the position will be this, that a gentleman may be appointed Governor of a Province who has for years served the Ministers in another Department and been subject to their orders. If the Ministers are conscious all the time that any one of the Heads of Departments in their Provinces may be appointed Governor over their heads we really to that extent weaken their responsibility and make them subordinate to the wishes of senior members of the I.C.S. from whom a selection for the appointment of Governor may be made.

I generously and frankly concede that the distinguished band of officers who have belonged to the I.C.S. in the past have rendered enormous service, and so long as the Service continues we are confident that those traditions will remain. It is no reflection upon them to say that if Governors continue to be appointed from the I.C.S. it will directly affect the sense of responsibility of the Ministers and the Government. A Convention should now be established that in future Governors should be appointed from outside, either British or Indian statesmen, who shall not be members of any Service.

Sir Abdul Qaiyum: When I asked for permission to speak it was only on the spur of the moment, desiring as I did to make a few comments, but after hearing the last two speeches I find that most of the points I wanted to lay before the Committee have been put forward in language better than my own. What has struck me as a layman—not a constitutional lawyer—at the hearing of the speeches yesterday is that there is no idea of leaving any powers with the Government. Everybody spoke of cutting down the discretion of the Governor in every direction and leaving him without any actual and practical powers in the administration of the Province. If that is so, the thought occurs to me that we might as well select a President, something like the President of a Republic, and do away with the nomenclature of a Governor altogether. If there is going to be a Governor, and he is expected to control the policy of the Province, he must have some sort of discretion to exercise in the administration of that Province when ordinary machinery fails to run that Province efficiently. In ordinary administration there will be some subjects which will be left to the Federal Government. What remains must be left to the local Council, and in this respect the Governor will have to possess some sort of control in giving assent to legislation passed by the Council or in certifying allotments in the Budget, and perhaps some overriding powers in matters of an executive nature. Without those powers I do not believe that the Governor will be worthy of his position. How far and elastic those powers should be is for my constitutionalist colleagues here to define more clearly, but from what I learned yesterday I gathered that no discretion was to be left to the Governor.

The second point that struck me is that if we are going to do away with dyarchy, and if the responsibility of the Ministry of the future is to be joint, then any particular way of putting up safeguards in the constitution will be practically bringing back the dyarchy. It will look as if we are still going to have the dyarchy in one form or the other. I think it will be most advisable if we can form a constitution which will not give to the people of India the idea that dyarchy is to be retained in some form or other.

There is another point which strikes me. It relates to the suspicions and doubts in the minds of the various communities in India with regard to one another. If we are trying to bring in safeguards to give some sort of assurance to the people that they will be safe under the new constitution, I am afraid we shall never come to the end of framing that constitution. There must be some confidence placed somewhere between the rival communities in that country. We are framing the constitution as if we were lawyers of a rather questionable type trying to draw up a deed in which there might be some loophole of doubtful phraseology to enable a way of escape later on. If we are framing our constitution in that spirit I do not believe we shall proceed very far. Even the dyarchy which we had in the last constitution was not so bad in its legal form as it came out to be in practice. The fault lay on both sides. On the Indian side they thought there was this dyarchy and that they were not going to be given any real power even in the transferred subjects. On the other hand, others were not allowing them the full amount of authority in those subjects and the budgetary allotment which they wanted for the improvement of those subjects. If it had only been worked out in a better spirit perhaps that constitution would have given much better results.

Many members of this Committee and of the Conference have spoken on the sentimental aspect of the question, and I for one would also appeal to the Committee not to worry themselves so much with the technicalities of the situation, but to leave it to the good sense of the people who are being given a chance to take part in the administration of the country with greater freedom and responsibility in the future. I think it must be realised by now that India is determined to take some real share in the administration of her affairs, and if that is the spirit of the Britisher in giving Indians their future constitution, we need not be afraid if the legal language of the constitution is a little defective here or there.

Dr. Ambedkar: In offering my remarks I will proceed in the order of the questions which have been circulated. The first relates to the constitution and composition of the Executive. With regard to the constitution of the Executive, it seems to me that there is more or less agreement on two things. First of all, it is agreed that the distinction between the reserved and the transferred subjects should vanish, and that the Executive, instead of being a divided Executive, should hereafter work as a unified Executive. It is true that Lord Zetland took some exception with regard to the transfer of law and order.

But as I understood him, his objection was not to the transfer of law and order so much as to the necessity of providing in the actual composition of the Executive itself some element whereby an impartial individual who is neither a Hindu nor a Muhammadan will be provided for. I believe I have understood him rightly. But if his objection is that law and order should not be transferred at all, then I would just make two observations with regard to that position.

My first observation will be that the argument on which he has based his conclusion that law and order should not be transferred seems to me to prove too much. It will always be the case that in India as it is constituted there will be a Hindu or a Muhammadan who will be in charge of that particular portfolio.

Mr. Joshi: Not a Christian ?

Dr. Ambedkar: It may be, but I am taking these two communities for the moment because they are important. It seems to me that any argument which is based upon that fact is an argument which leads to a conclusion which will never enable

us to transfer law and order. Therefore it seems to me that that is an argument which ought not to be adopted or accepted. It seems to me also that the noble Marquess assumes that although a Muhammadan or a Hindu will be in charge of the department of law and order, he will be entirely subject to the whims of the particular community to which he belongs. My submission, Sir, is this, that that assumes that the future of political parties in India will be so constituted that they will be divided on religious lines and not on the lines of political or economic differences. As I view the situation it seems to me that in the future constitution of India the Executive will be so divided that we shall see less of the religious and racial distinctions coming to the surface and we shall find a Hindu Minister having a party and a following containing a large element of Muhammadans, and a Muhammadan Minister with a following of Hindus in his group. If that happens, and I take it it is almost a certainty that it will happen, I do not understand how, for instance a Hindu Minister who is in charge of law and order could administer law and order in such a manner as to offend the susceptibilities of a part of the group which supports him in office. It seems to me therefore that the fears so far as this particular aspect of the matter is concerned are rather unfounded.

The second thing which seems to be agreed upon more or less is this, that not only should the Executive be a unified Executive but that the responsibility of this unified Executive should be joint and not several. With these conclusions, Sir, I agree, but the points of difference that have arisen in the course of the debate to which we have listened largely relate to the composition of the Executive and it seems to me that there arise three different questions for our consideration in connection with the composition of the Executive. The first question is: should the Executive be confined to members of the Legislature or should it be open to individuals who are officials or non-officials and who are outside the Legislature? The second question is: should it consist of members of the minority communities? The third question is whether the Governor should have the responsibility of appointing the Ministers himself or whether he should appoint the Chief Minister and leave the matter of the selection of his colleagues to that Chief Minister.

Now, Sir, on all these three questions my answer is in the affirmative. Personally, I do not see why the membership of the Cabinet should be rigorously restricted and confined to the members of the Legislature. I also do not see why there should not exist some provisions whereby the Executive should not be made as representative as possible of all the communities that are represented in the Legislature. Thirdly, regarding the power of the Governor to compose his Ministry, it seems to me that we must admit that it is his prerogative right to constitute the Ministry and that you must have discretion left to him in the matter of selecting his men. But, Sir, when I say that I answer these three questions in the affirmative, namely, that the Executive need not be confined to the members of the Legislature, that some provision should exist whereby different communities may be represented in the Cabinet, and that the Governor should have left with him abundant discretion in order to form his Cabinet—I say when I make these admissions I make them subject to one supreme condition. That supreme condition is that however the Executive is composed, it shall abide by one principle, namely that it shall accept joint responsibility. If, for instance, this principle of joint responsibility is made obligatory upon the Executive, it seems to me that the importation of a foreign element into the Cabinet will not be a disturbing factor as it is supposed to be. If, for instance, the new-comer who does not belong to the Legislative Council comes into the Cabinet and accepts joint responsibility along with the Cabinet, I do not see any reason why such a procedure should not be permitted. It was pointed out that it may so happen that when a Ministry is censured and it goes out, the official or the one who does not belong to the Legislature will remain while the other members of the Cabinet will go out; that when a new Ministry is formed, he will be again tacked on to the Ministry and that he will be perpetually in the Council. It seems to me with all respects that that is a somewhat fallacious view, because, unless the members who are drawn from the Legislature to form the Ministry are prepared to take him along with them and are prepared to bear the responsibility of his actions, they will not consent to work with him; they will consent to work with him only on these terms, that he accepts their advice and they accept his advice. If, for instance, a Prime Minister were so situated that he could safely take an outsider into his Cabinet and at the same time maintain the confidence of the House, I do not see why the Chief Minister should be prevented from having that privilege accorded to him.

In the same way, Sir, if, for instance, it was found possible that the Governor should have powers to see that the different minority communities are represented in his Cabinet, and if at the same time it is made perfectly clear that whoever is appointed to the Cabinet must accept joint responsibility with the others, then I submit there is no harm in allowing this sort of thing. It seems to me therefore that the point which it is necessary to emphasize is that the Governor may have the power which as I say belongs to him as of right to compose the Ministry in any way he likes provided that the Ministry does not violate in its operation the principle of its being, namely, that it is to work on the principle of joint responsibility.

Now the next question to which I will address myself, Sir, is how best to achieve this result, how best to bring out a responsible and unified Executive. It seems to me there are two ways open to us. One way is to define in the constitution itself the character of the Executive by law; the other is to leave to convention the constitution of the Executive. Both these ways are adopted, as you all know. We all know that in the Dominions of Canada, South Africa and Australia, responsible government of a unified character is entirely a matter of convention. Everyone of us knows that in the Canadian Act or in the Acts of South Africa or Australia the words "responsible Government" do not arise. It is not even mentioned in the Canadian Act, as I found to my great surprise, that the Ministers who are to advise the Governor are to be members of the Legislature, although as a matter of fact they are. On the other hand, as we know, in the constitutions of Ireland, Malta and Rhodesia this is a subject which is not left to convention, it is something which is incorporated in law. In Ireland we know that the Prime Minister is a creature of statute, the joint responsibility is also defined by law.

I therefore think that we shall have to make our choice between the two, and in making the choice I for one would be guided by two considerations. I fully realise that when a matter is left to convention it is possible that the convention may be wrongly worked, that it may be abused, and may be abused with impunity. The danger of matters being left to convention in a country like India seems to me to be greater because there are no parties in India which have a keen eye on the way in which the constitution works and we may have ministers less interested in working the constitution in the right spirit than in maintaining their seats in the Cabinet. On the other hand it seems to me that where matters are defined by law it must necessarily take away all the discretion that must necessarily be left to a Governor. In a country like India where the political field with all its communal and racial difficulties is an absolutely uncharted sea, it seems to me that we must so contrive that sufficient discretion will be left with the Governor. My concrete suggestion therefore is this, that joint responsibility of the Executive should be prescribed by law and that everything else should be left to the discretion of the Governor, so that we shall have satisfied both the conditions: we shall have provided that whatever responsibility there is is joint responsibility and that the composition of the Executive is at the same time not hampered in such a manner that the communities which do require to be represented in the Cabinet

may be represented or that the necessity which a Prime Minister may feel of having a non-official, I mean an outsider, in his Cabinet is provided for. If we do that, if we insist by law, not leaving it to the discretion of the Governor, that the Executive shall be a joint Executive with joint responsibility, I think all other matters may be left without any fear of abuse to the choice of the Governor.

Now Sir, the next topic which I will take for consideration is that of the powers of the Governor vis-à-vis his Executive. The present relations between the Governor and the Minister, as we all know, are defined in Section 52, sub-clause 3. That clause says that in all transferred matters—and all matters will now be transferred, none being reserved—the Governor shall be guided by the advice of his Ministers; and it adds a further proviso that if he sees sufficient cause to dissent from the advice of his Ministers he may cause action to be taken otherwise than in accordance with that advice. With all due respect to those who framed that clause, and they did it with the best intention of providing responsible Government, I cannot help saying that this clause as it now stands is a perversion of responsible government; it makes responsible government a matter of convenience, a matter which may be accepted and followed when it suits the Governor, whereas as a matter of fact what we want is that responsible government should be a matter of obligation. If responsible government means anything it means this, that in whatever action the Governor takes in any field he has the support of a Ministry which has the confidence of the House. That is a fundamental proposition which we cannot ignore. It does not of course mean that a Governor must always accept the advice of his Ministry; it leaves it open to the Governor to throw out the Ministry, to say he will not abide by their advice; but then if the Governor chooses to differ from his Ministry his obligation is not to act on his own initiative but to find some other Ministers who will support his action. So that the proposition is that at all times when the Governor takes action he takes action which is in conformity with the views of Ministers who have the confidence of the House. My submission therefore is that this clause, namely Section 52, must be so altered as to make it plain that unless specific provision is made to the contrary by statute—there may be cases which I will come to a little later—the Governor shall always act upon the advice of the Ministers.

Now Sir, I do readily agree that there may be cases in which it is necessary to provide the Governor with overriding powers, powers in respect to which he will not be obliged to follow the advice of his Ministers but will have the right of independent action. Those cases are mentioned in paragraph 50, page 36 of Volume 2 of the Report of the Simon Commission. The first is that he should have overriding powers in order to preserve the safety and tranquillity of the Province; secondly, he should have overriding powers in order to prevent serious prejudice to one or more sections of the community as compared with other sections; and then lastly it mentions certain cases where the Governor may have fixed upon him specific responsibility as apart from the responsibility of the whole of the Executive, in which case it says that he should also have overriding powers.

With regard to these items my first submission is this, that if you are going to give the Governor power to override his Ministers to preserve the peace, safety and tranquillity of the Province, it seems to me you are taking away a very large part of responsible government in the Provinces. After all, what we are striving for is that the Provinces shall be governed in all matters, including even the peace, safety and tranquillity of the Province, by a Governor on the advice of his Ministers; and, if you reserve powers to the Governor to act contrary to their advice, it seems to me you are to a very large extent nullifying the powers of responsible government. I should not, therefore, give the Governor overriding powers in a matter of this sort, unless some way could be found whereby this large formula, which seems to me to eat up the whole situation, might be very narrowly defined.

Coming to the other question, namely prejudice to one section of the community as compared with the others, my own view is that although this is a very salutary thing my preference is that such matters as are likely prejudicially to affect the interests of any particular community should be governed by statute; it should not be left to the sweet will of the Governor. I say that for this very good reason. After all, a Governor has to keep in touch with a Cabinet which is supported by a majority in the Legislature. He can never work at cross purposes with the Cabinet; the greatest amity must prevail between them, and I am not sure the Governor would always be so minded as to quarrel with a Cabinet which represented a majority in the House merely in order to protect a minority which, in his eyes, might not be very important. Although, therefore, I agree with the underlying suggestion there, I rather prefer that the interests of the minorities should be protected in a firmer manner than is suggested, and for myself I should be prepared to delete this clause.

Regarding the other items—3, 4 and 5—I agree that in cases of this sort the Governor must have overriding powers, because they are cases where he personally is made responsible for the administration of those subjects.

Coming to the next subject, the powers of the Governor *vis-a-vis* the Legislature, I will divide my remarks under three heads. There is first of all budgetary legislation; secondly, ordinary legislation and thirdly, emergency legislation. The Governor has to-day powers of certification with regard to the provision for reserved subjects, and that will necessarily go with the abolition of dyarchy. Secondly, the Governor has authority to authorise expenditure for the safety and tranquillity of the Province. It seems to me that if you are going to leave questions of peace and tranquillity to be settled by a responsible Ministry, the Governor should not possess this power of authorising expenditure for the safety and tranquillity of the Province. In the next place, he has the power of certifying Bills, which are of two sorts. He may certify that a particular Bill which is being discussed in the Legislature shall not be discussed because it affects the safety and tranquillity of the Province, and he has also the power to certify a Bill which is in the interests of the safety and tranquillity of the Province even though the Legislature may not desire to pass it in the ordinary course. It seems to me both these powers should go; they will not be necessary in the future constitution of India.

He has also powers of previous sanction; certain subjects have to be previously sanctioned by him before they can be discussed, and in my opinion this power should go.

Sir Ahmad Said Khan: Discriminatory legislation?

Dr. Ambedkar: That should be dealt with by Statute; I should not leave it to the Governor. The Governor must have the power of veto, and in view of the fact that there will be no Second Chamber in those Provinces which do not want it, it is very necessary that the Governor should have the power of veto. The Governor to-day has also the power of returning a Bill to the House for reconsideration. This is a very useful power which exists in the constitutions of the various Dominions, and I think it should be retained. The Governor has also power to reserve a Bill for the consideration of the Governor-General, and the cases in which he should do so are defined by Statute. That is a matter, I think, which might be more conveniently considered when we consider the relations of the Provincial Governments to the Central Government, but I should like to make one observation on this subject. We should endeavour so to contrive our Provincial constitution that it will function independently, as far as possible, of the interference of the Central Government in those domains which have been transferred to its control.

We must make a constitution under which there will be no occasion for constant intervention by the Central Government, either administratively or legislatively by the reservation of Bills.

With regard to the question of safeguards for Law and Order and for minorities, I have already stated that Law and Order should be transferred, but I am prepared to make one suggestion, for what it is worth. In cases of emergency, when Law and Order are being jeopardised, I suggest the Governor should have power to pass orders finally, without respect to the advice of the Ministry, regarding the posting and transfer of Police officers. I think that is very necessary; it is essential.

Sir Cowasji Jehangir : In case of emergency only ?

Dr. Ambedkar : Yes, but not in other cases.

Mr. Paul : Not in normal times ?

Dr. Ambedkar : Not in normal times, no, but in cases of emergency when a riot has taken place or a disturbance has occurred, it is very necessary that an impartial officer like the Governor, who is not swayed by what is happening in the Cabinet, should have the ultimate power to see that people are not transferred from one place to another to suit one community or the other community when a riot is actually proceeding. It seems to me that gives him sufficient power for the purpose of safeguarding the administration of Law and Order.

With regard to the question of minorities, it was suggested by some speakers that a Second Chamber would afford protection to minorities, and my friend Mr. Wood threw out the suggestion that I had not carefully considered the position of the Depressed Classes in relation to a Second Chamber. I should like to assure my friend that I have given the matter most careful consideration, and I thoroughly agree with my friend Mr. Paul that these Second Chambers, far from being a protection to minorities, will be really millstones round their necks.

There is one subject I did not touch on before, but which I should like briefly to mention now, namely, the relation of the Governor to his Cabinet. Should he preside over the Cabinet as a matter of right or should he not ? Should there be the system which prevails in this country, where the Cabinet holds its meetings without the King being there, and if so what should be the means of communicating the results and decisions arrived at by the Cabinet to the Governor ? I do not know if that arises on this item ; if it does not, I will not waste time in discussing it.

Chairman : We have generally discussed the whole question, so that if you desire to continue I shall not object.

Dr. Ambedkar : In that connection I want to say one thing. The Simon Commission has suggested that a Cabinet Secretary should be appointed who would be of the same status as an I.C.S. officer, and who would act as the liaison officer of the Cabinet to the Governor. In throwing out that suggestion the Commission says it has drawn on the practice that has now become prevalent in this country, namely, that the Cabinet now always has a Secretary, which formerly it did not have. I should like to submit, however, that it is one thing to say that the Cabinet should have a Secretary, but it is a totally different thing to say that that Secretary should have access to the Governor over the heads of the Ministers. In this country the practice does exist, probably, of appointing a Secretary, but I do not think any Cabinet or Prime Minister in this country would consent to that Cabinet Secretary having access to His Majesty over the heads of the Ministers or over the head of the Prime Minister ; such a thing would be intolerable. We know that in this country the Cabinet throughout all its history has laid emphasis on the fact that the persons who will be near to His Majesty should be persons who will bear the same complexion as the Ministry, and we know that that has been carried so far that even the Ladies of the Chamber who wait upon the Queen are required to be nominated by the Prime Minister and the Cabinet. The situation suggested, therefore, seems to me almost impossible. I do not think any Cabinet which is working on the principle of joint responsibility will consent to have a Secretary of this kind attached to it.

On the other hand, if the Governor is given the power to preside over the Cabinet when it is discussing its policy, I doubt very much whether that will work, because although the Ministry may, and indeed must, communicate to the Governor the decisions at which it has arrived, I do not think the Ministry will consent to disclose to the Governor the reasons which have led it to come to those decisions. The reasons may be very particular and very delicate, and you all know that the Cabinet is very jealous not to let the Governor know the reasons why it has arrived at a particular decision. The explanation of that is that the Governor holds in his hands a tremendous power for undoing the Ministry, for he may not agree to the Ministry's advice to dissolve the House, but may instead dissolve the Ministry. That being so, it seems to me that instead of being embodied in a Statute the matter should be left to the Instrument of Instructions, which may provide that the Governor can attend if he desires to do so, but it should not be obligatory at all. On the other hand, it should be made obligatory for the Cabinet to communicate to the Governor all the recommendations at which it arrives at its meeting. That is all I desire to say on that point.

Chairman : My next speaker should have been Mr. Joshi, but he is not here. I understand that Sardar Sampuran Singh desires to make an observation on one point only.

Sardar Sampuran Singh : That is so. So far I have generally agreed with what Mr. Zafrullah Khan has said, but I rise to oppose a small suggestion he made this morning, namely, that officers of the I.C.S. should be barred from becoming Governors of Provinces. I am of opinion that nothing should be laid down either way. The only reason which he tried to give in this connection was that in some cases, or perhaps always, those I.C.S. officers would have been serving under the Ministers, and that they would be always trying to spot which of their men would become Governor, and naturally their responsibility would be affected by that consideration.

I submit that there should not be any definite rule on the subject, so that it would be very difficult to say whether an I.C.S. officer or some gentleman from outside would be the Governor. That takes away 50 per cent. of the chances of one being appointed from the I.C.S. Secondly, past experience shows us that the gentlemen who have been appointed as Governors in Provinces where Governors are drawn from the I.C.S. have been for several years absent from the Province and serving with the Government of India. I have tried to recollect all the instances, as far as my memory goes, and I think that has been the rule in practically all cases.

Mr. Paul : No.

Sardar Sampuran Singh : I have thought of the Punjab only. Our present Governor was with the Government of India for several years, until he came as Executive Member to the Punjab, holding, that is to say, the same status as a Minister would hold. Before that there was Sir Malcolm Hailey, who had also served for several years with the Government of India, and the same applies to Sir Edward McLaghan, Sir Michael O'Dwyer and Sir D. Ibbetson ; my memory does not go back further.

Moreover, it may always be difficult to find enough capable and able men to send out to the other Dominions and to India, men, that is, who would be willing to leave their country for that purpose. In addition, if we happen to have capable and able officers of the I.C.S. who have served India for many years I see no reason why they should be deprived of what may have been the ambition of their lives, namely, to be Governor in some Province. I do not think it would be fair to them to exclude them merely on the ground they had served in the I.C.S.

One drawback in the case of Governors drawn from this country would be that they would not have as much experience of India as the people who have lived there, and another defect which might show itself in some cases is that they might depend too much on their Secretariats instead of using their own personal knowledge of such matters, which naturally would be less than that of Civil Service officers.

In one sentence, what I mean to say is this. We should not, by making any definite rule on the point, deprive ourselves of the experience and knowledge of those officers who have worked so long in India.

Sir Chimanlal Setalvad : I am intervening only to deal with the new point raised this morning about I.C.S. Governors. I entirely agree with the speaker who said that the practice which now obtains in some Provinces of appointing I.C.S. officers as Governors should cease. In saying that I believe I am reflecting the opinion of a very large majority of those who are gathered round this Table. The reasons why that step should now be taken are several. One has already been referred to, but I submit that there is a much stronger reason, which is as follows : An I.C.S. officer makes a very efficient officer but this very fact of efficiency makes him to my mind unfit to be at the head of a Province as a Governor. The I.C.S. officers—I mean no disrespect to them—are so lost in admiration of efficiency and efficiency alone that they never have the larger outlook that is wanted in the Governor of a Province. They are so imbued with Service traditions and discipline. An officer who has worked as part of a machine for 25 or 30 years before he becomes a Governor can never get out of the narrow Service outlook, and therefore we here feel it absolutely necessary—now more necessary than ever if India is to have a more democratic constitution—that this practice of putting civilians as Governors of Provinces should disappear. What you require now is a man who will bring to bear a larger outlook and come from a larger experience of public life, and for that purpose we desire that in all Provinces, as has been the case in the Presidency Provinces in the past—the Governor should be a statesman brought from public life in England and also in India. That, I submit, is one essential for the proper and successful working of the new constitution. These Service Governors ought to go. I mean thereby no reflection on the Service at all, but the Service must be purely one to carry out the policy of the Governor, and we cannot have service people laying down policy. I repeat that I am reflecting the opinion of the large majority of those not only around this Table, but of the members of the Indian Delegation present now in London.

Chairman : I think it will be admitted that we have had a fairly full discussion on Item 2, without much effort being made either on the part of the speaker or the Chairman to keep the discussion within the limits of that item. Indeed, the discussion has strayed into Items 3, 4 and 5. The discussion, so far as it has gone, has made the position fairly clear on several points, though it may be necessary to have a further discussion on some of the remaining points. May I just give you what I believe to be the general sense of the Committee on a few of the points, always keeping in mind, as I said at the beginning, that every thing we do here is provisional to the extent that it must fit into its proper place in the general scheme of any constitution.

First, there is a general opinion that dyarchy should be abolished and all subjects transferred to Ministers.

Secondly, that the official bloc in the Provincial Legislature should disappear.

Thirdly, that Ministers should be jointly responsible to the Legislature.

Fourthly, that as a general rule there should, whenever possible, be a Chief Minister to facilitate the formation of a jointly responsible Executive.

Fifthly, that the representation of minorities in the Cabinet should not be made statutory.

I want you to keep in mind that eventually a Report will have to be submitted to this Committee, and therefore it will be open for us to consider how all these questions that I have read out to you are formulated in that Report. We are not finally disposing of them even so far as this Committee is concerned.

Sir Ahmad Said Khan : Can we not put the point you have just made about minorities in a rather different way ?

Chairman : I have already said that this question of minorities would have to be probably the subject of discussion in a joint meeting with another Committee.

Now may I proceed to the points upon which we may have to have further discussion :—

(1) should the Governor have a discretion to appoint an official Minister to the Cabinet ?

(2) should the Governor have any special power to act otherwise than on the advice of his Ministry, whether in the matter of administration, legislation or finance ?

(3) should further power be vested in the Governor for use in times of emergency to enable the Government to be carried on in the event of a breakdown in the normal constitution ?

There is another question that we might have a little further talk about, although it has been frequently referred to, namely, the question of Second Chambers. But possibly, if we terminated our discussion on the powers of Governors first, we might be in a better position to discuss any further question of Second Chambers. My suggestion is that we should meet this afternoon at 3 o'clock, when I hope you will be prepared for rather a long sitting. I should like to finish our discussion to-day, and then adjourn for a day or two for the preparation of a Report and afterwards call you together again.

Sir Abdul Qaiyum : There is also the question, Mr. Chairman, of the North-West Frontier Province coming within the scope of this discussion.

Chairman : I made the statement that that was going to be the subject of consideration by a special Committee, and it might even be necessary for some joint consultation between that Committee and this Committee before the subject is finally disposed of. You will have the opportunity of raising the matter at some part of our proceedings.

Sir Abdul Qaiyum : The question of the constitution should be dealt with by Sub-Committee II.

Chairman : I gave you my word that at some stage of our proceedings you would be able to raise the question. We must be in possession of all information before we come to a decision on the question.

Lord Zetland : I understood you to say, Sir, that there was general agreement that the official bloc in the Legislative Council should be done away with. It is just possible that there may be such agreement, but I did not understand that the composition of the Legislative Councils had been at this stage submitted to the sub-Committee. It was the composition of the Executives with which the sub-Committee has been dealing. Nothing is said about the constitution and composition of the Legislative Councils. We have not discussed that.

Diwan Bahadur Ramachandra Rao : This is not involved in the abolition of the distinction between transferred and reserved subjects ?

Chairman : If the question was not referred to us we are not taking any decision upon it, but I do not see how that relates to the point that the official bloc in the Provincial Legislature should disappear.

Lord Zetland : But surely that is very much to the point. If the constitution and composition of the Legislative Council has not been submitted to this Committee, how can this Committee discuss whether in that composition there should or should not be an official bloc ?

Chairman : What I am trying to do is to give the sense of the subjects discussed in this Committee, and I think I am entitled to say that, generally speaking, there has been a desire to dispense with the official bloc.

Mr. Barooah : Would you not include something about the appointment of civilian Governors ?

Chairman : I have allowed great latitude in the discussion, and I have put up three suggestions whereby the whole powers of Governors can be discussed this afternoon.

Diwan Bahadur Ramachandra Rao : May we say that the sense of the sub-Committee is against the appointment of officials as Ministers ?

Chairman : That is a point we will keep in mind in the report we have to submit.

Mr. Fazl-ul-Huq : Did not the Committee decide that it was not desirable that minorities should not be represented in the Cabinet ?

Chairman : That the representation of minorities in the Cabinet should not be made statutory.

Mr. Fazl-ul-Huq : Could we not say that while the Committee thought that it was desirable to have minority representation in the Cabinet, it could not be embodied in a statute ?

Chairman : That is exactly what it means. You have to remember that what I have suggested to you are only headings, and not necessarily the exact wording which will be in the report. The report will come before the Committee.

Sir Chimanlal Setalvad : In the larger Committee when this question was under discussion it was said that these bodies should be co-extensive, and the Prime Minister said that that was what was in his mind. You cannot consider the powers of the Provincial Legislature, of course, in the same manner as the powers of the Provincial Executive.

Lord Zetland : We have not considered whether a definite number of seats in the Provincial Legislature should be reserved for Muhammadans, and other matters of that kind.

Chairman : I want to call your attention to the fact at the opening of our proceedings I pointed out that the sub-Committee could not avoid the question of the size of the Provincial Legislature and the elimination of the official bloc. I do not take responsibility for the failure on the part of the sub-Committee to discuss that question.

Lord Zetland : I accept your ruling at once.

Mr. Wood : Could it be put to this Committee that they are perfectly satisfied that we have discussed sufficiently the composition of the Legislature ? There has been no discussion as to whether seats should be reserved for Muhammadans or minority communities, but if the Committee is satisfied that that has been taken into consideration, and the members have refrained from speaking upon it, we might add a statement to that effect.

Chairman : If it is the desire of the Committee to expand the number of subjects so as to include the one raised by Lord Zetland I have no objection. I have given you two points which needed further discussion, namely, the powers of Governors, and Second Chambers. If there is a desire to take the other question with regard to the composition of the Legislature, I do not mind, only it seems to me that we are going to travel over some of the ground that we have travelled in the last two sittings.

Mr. Wood : I am not suggesting any blame to the Chair, quite the contrary, because it was clearly explained to the Committee what the scope of the discussion was, and it simply means that that subject has been eliminated by the speakers.

Chairman : The fact that nothing has been said about it might be taken to indicate that there is nothing to be said.

Sir A. P. Patro : The question of the composition and representation of various communities will be dealt with fully and adequately by a separate committee. The question of the official bloc has been discussed by every member present.

Sir P. C. Mitter : I understood that we might more profitably discuss this matter after the Committee dealing with minorities has considered the matter.

Sir Abdul Qaiyum : The official bloc is in direct connection with the rights of minorities.

Chairman : I did not know that the official bloc had such a close connection with minorities. May I say that we are not ruling this out. I have stated that there would have to be some consultation with another committee. I think we should devote our time this afternoon to two questions that do belong to this Committee, the powers of Governors in the Provinces and whether you are going to have Second Chambers. We might continue the discussion on that aspect.

(*The sub-Committee adjourned at* 1 *p.m. until* 3 *p.m.*)

Lord Zetland : Mr. Chairman, you read out this morning, just before we adjourned, a number of subjects on which you told us that you thought the Committee were generally agreed, and I agree with you ; on those subjects there is general agreement upon the Committee. You told us that there are one or two points which you thought might be discussed a little further. One was the question of the possibility of having an official minister, and the other was the question of the powers of the Governor. Sir, we have discussed these matters pretty freely and I think we know generally what the views of the Committee are upon them ; it perhaps might shorten the discussion this afternoon if I point out that there is really no great difference between my view and the view of the majority of the Committee on these questions ; there is some difference but not really a great difference. All I am pleading for is what Sir Robert Hamilton pleaded for this morning: a certain amount of elasticity.

Take the case of the appointment of the Ministers. I agree with the Committee that in nine cases out of ten the procedure would be this, that the Governor would invite the member of the Legislative Council who appeared to have the largest following to form a Ministry ; he would discuss with that Chief Minister the composition of his Ministry ; and, as I said, in nine cases out of ten I imagine that the composition of that Ministry would be elected members of the Legislative Council. The only difference between the majority of this Committee and myself is this, that I do want to retain for the Governor and his Chief Minister just that discretionary power which might in certain circumstances be really valuable. That is all I ask for ; a discretionary power, that is to say, a discretionary power to go outside the elected members of the Legislative Council in the case possibly of one of his Ministers. It is quite true that I go further than the majority of the Committee do when I say that in the exercise of that discretionary power I would not exclude the possibility of an official being chosen. I myself do not think that an official would be chosen except in very exceptional circumstances, because I fully admit the force of all the arguments which have been used in the course of this discussion against such an appointment. If the Committee were prepared to leave the discretionary power with the Governor I should be quite prepared to agree that in the Instrument of Instructions to the Governor it should be laid down that the normal procedure would be the choice of a Chief Minister and the selection of Ministers from the Legislative Council chosen by the Chief Minister in consultation with the Governor. Very well, then ; that appears to me on that point to be the only difference between us.

Then with regard to the Governor's powers I think it is quite clear, as one of the speakers pointed out—I think it was Dr. Ambedkar—that in items 3, 4 and 5 in which the Report of the Simon Commission suggests that the Governor should have certain reserved powers, he must have those powers. Number 5 is that he is to have powers to carry out any duties statutorily imposed upon him. Now I ask members of this Committee: how can he obey the statute unless he has the power to do so ? It is quite clear I think that if he has certain functions laid upon him by statute he must be put in a position in which he is able to discharge those functions; otherwise the thing becomes a farce. Then with regard to securing the carrying out of an order of the Secretary of State or the Government of India, if the Governor is to be in a position in which he has to carry out an order issued by the Government of India or the Secretary of State, clearly he must have the power to do so; otherwise there again it would be a farce. An example of the sort of thing that he might have to do under a provision of that kind occurs to me; there might be, let us say, trouble of some kind affecting more than one Province; the Federal Government might send down an instruction to the Governor of one of the Provinces affected to take certain action in conformity with the action being taken in another Province. I think it would be quite reasonable that the Federal Government should have the power of issuing an instruction of that kind; and there again surely unless the Governor is in a position to carry out that order it is quite useless to send any order. So that there again I think he must have a certain reserved power. I do not suggest that the power would have to be used; it is quite likely that his Ministry would be perfectly willing to carry out the wishes of the Federal Government; but supposing for any particular reason the Ministry hesitated to carry out the particular action, whatever it was, then I think the Governor would have to be in a position to order that the action should be taken. Certainly under those two heads Dr. Ambedkar and I are entirely in agreement and I think various other members of the Committee too.

Then, going back, there is number 3, to secure the fulfilment of a liability of Government in respect of expenditure non-votable. There may or may not be non-votable expenditure; I express no opinion on that; but if there does happen to be any non-votable expenditure I think it is only reasonable that the Governor should have the power in that respect of securing the fulfilment of a liability imposed upon him.

Then the other two heads, which are of course rather more open to debate, are, to prevent serious prejudice to any section of the community. There again I really think the Governor in the last resort ought to have power to issue an order to protect a minority from obvious injustice if such a case arose; I do not think it is unreasonable that the Governor of a Province should have that power.

The other case is to preserve the safety and tranquillity of the Province, or, as Mr. Zafrullah Khan would rather put it I think, in the department of law and order; I think he preferred to put it in that way. There again in the last resort surely the Governor of a Province, unless he is to be a pure automaton, a pure cypher, must have power to ensure to the best of his ability the peace, good order and tranquillity of his Province. So that I would reserve to the Governor those suggested powers. I do not contemplate that they would ever be used in the normal process of administration, and indeed I should see grave objections to the Governor stepping in normally; but these are to me particular cases which may arise, and in the last resort I think they would have to be dealt with by the Governor.

Now that is my plea; do let us have a little elasticity when you are dealing with your Governor and your Chief Minister. Sir Chimanlal Setalvad this morning, when he was arguing against the appointment of members of the Indian Civil Service as Governors, said that what was wanted in India in the future to fill the post of Governor was men either from Great Britain or from India of capacity and of broad views, of a capacity for statesmanship. Well, believe me, if you are going to tie the hands of your Governor with yards and yards of red tape, to say that he shall not do this and that he shall not do that, youare not going to get either from India or from this country men of the type suggested by Sir Chimanlal Setalvad. If you are going to lay down by statute or by rule minutely every little thing that the Governor may or may not do, you will not want a man for a Governor at all, all you need have is automaton. Really after all, we are men of the world, we have mixed with many peoples, and do not we all know that character and human personality must have some field for their display if a man of capacity is to be of any value for a country at all.

I hope it will not be necessary to continue discussing in any detail this question of the choice of the ministers or the powers of the Governor. I have put my views before the Committee as frankly as I can, and, as I have said, they amount to no more than this, that I do ask this Committee just to give some elasticity; do not tryto tie up men occupying responsible positions of that kind with all these yards and yards of red tape. If I may say so, if there is one vice to which all Governments are liable it is that of getting themselves tied up in red tape. Now let us get away from that; trust the man, if he is good enough to occupy the position he will be worth trusting; if he is not to be trusted then he ought not to be there; but I do ask you to give a chance to the Crown when it is making appointments of this kind to select men who will be really fit and worthy to hold these high positions.

Sir Ahmad Said Khan : Sir, we are dealing with point No. 3 and the powers of the Governor. Before I deal with this I should like to say a few words about the suggestion made by my noble friend the Marquess of Zetland. As he knows, I made it quite clear to him in my speech that I am in favour of not making the constitution very rigid. Still I may be allowed to submit that it will be a mistake to follow this line of including an official minister. My reasons are very clear; even if you do so it will be impracticable; it will never happen; no Governor will try this experiment; no Chief Minister or Ministry will be ready to include an official Minister. By putting this in the constitution you will make a constitution which will be looked upon by my countrymen as a retrogressive measure. Therefore if you want to give them something do not give them it with such a paint that they may dislike the very colour of it. So far as this question is concerned I will finish there.

Now coming to the special powers of the Governor, I beg to submit that I do not wish to take up the position taken by Dr. Ambedkar this morning; I think he indicated a certain suggestion and refuted it at one and the same time; for instance, he started by saying that he agreed that minorities should be protected but said that these powers should not be given to the Governor, that they should be put in the statute. Sir, if no man is going to exercise those powers how are those words of the statute going to protect minorities? Somebody would have to exercise those powers and that person should be the Governor; therefore the powers are bound to be put in the hands of the Governor; there can be no other authority to exercise them. Similarly with regard to the preservation of tranquillity and peace in the Provinces, while he disagreed with giving power to the Governor, he proposed that if there is any breach of peace the Governor should be allowed to have all the postings of the officers in his own hands. That means that he should be allowed to usurp all the functions of the Home Minister and the Home Minister for the time being would become a nonentity in the Cabinet. I think, Sir, that instead of doing this it would be much better, as was suggested by the Simon Commission and by many other gentlemen here, that these powers should be given to the Governor to interfere in these departments. As far as these two questions are concerned I know that any reservation of power in the hands of the Governor

is contrary to the notion of self-government; it is difficult to reconcile the idea of autonomous Provinces on the one hand with these special powers of the Governor on the other hand; still, situated as we are, we have got to make a constitution for a country in which there are difficulties. We wish to face those difficulties and to draw up a constitution which may be suitable for that country. I should like with your permission to quote the words of a nationalist of the type of Mr. Sastri when addressing the East Indian Association about these powers of reservation of the Governor; he said this: "Though great powers are reserved for the Governor, the cases in which he may use them are carefully defined; they are: (1) In order to preserve the safety or tranquillity of the Province, or (2) in order to prevent serious prejudice to one or more sections of the community as compared with other sections. Exception may be taken to the second category of powers as being likely to create occasion for undue exercise; but it is necessary to induce a sense of contentment and security in the minority communities and we must bring ourselves to acquiesce in it." When a nationalist of Mr. Sastri's type is willing to agree to it I do not think that any of us should have any objection to those powers being given to the Governor.

Sir, now the question is whether those powers should be given to the Governor or should be shared by his Government. My reply is that these powers should be given only to the Governor and not to the Executive of his Government. The reasons are very clear. First of all it will be when the Governor wishes to override his Cabinet that he will have to use these powers, and therefore the Cabinet cannot possibly share those powers with the Governor. Secondly, any such special powers, if given to the Ministers, would be quite inconsistent with their responsibility to the House. For these reasons I am definitely of opinion that these powers should be given only to the Governor and not to the Government. May I also speak on Nos. 4 and 5.

Chairman: You see I gave three points which we might discuss: should the Governor have a discretion to appoint an official amongst the Cabinet; should the Governor have any special power to act otherwise than on the advice of his Ministry, whether in the matter of administration, legislation or finance; should further power be vested in the Governor for use in times of emergency. Now I am quite prepared to take the points one by one or to take the three points together. I do not think there is a wide difference between us on any of them. I should rather like to hear what you have to say on any of the three points and then I will try later on to collect the general sense of the Committee. But I agree with the Marquess of Zetland: I do not think there is very much between us.

Sir Ahmad Said Khan: I come to point No. 5, that in the case of breakdown what powers should be given the Governor. I entirely agree that full powers should be given to the Governor if there is a breakdown of the constitution, and those powers should be shared by his Executive also. I wish here to make it clear that while in the case of a breakdown I am of opinion that these exceptional powers should be shared by his Cabinet also, I feel that when he is going to override in interests of minorities or for the preservation of law and order, in normal conditions these powers should not be shared by his Cabinet. When there is a breakdown the whole Government will work together and therefore these powers should be shared by the whole Government.

It is very very difficult to reply to the last two points. The question is what are the requisite conditions under which it can be declared that normal conditions are not prevailing and that the constitution has come to an end.

I think it is very difficult to foresee all those conditions. Still I must say that such conditions may be created in spite of all we may do. Such conditions may arise, for example, if there is a Province where it is impossible to get a Council elected or where, if a Council is elected, it refuses to have a Ministry. If there is no Ministry I think one can say the constitution is not working, and the Governor will have to use his abnormal powers to carry on the Government.

All these abnormal powers of the Governor should be well defined and perfectly definite. I do not wish him to use them whenever he likes; in normal circumstances he should always act according to the advice of his Cabinet and he should be a constitutional Governor. These powers are for use only in certain conditions, and those conditions should be well defined, to make it quite clear that the powers of the Governor may be used in those conditions and in no others.

Mr. Chintamani: I am indebted to the noble Marquess for the very clear exposition he has given of the point of view from which he put forward his proposal that the law should be elastic and should allow the Governor discretion which will be adequate enough for him to act in difficult and delicate situations, and that he should be endowed with powers requisite for the discharge of his responsibilities. With the latter part of that proposition no sane man can have any quarrel; none will say that you should impose on any individual duties and responsibilities without at the same time conferring upon him the powers without which those duties and responsibilities cannot be discharged.

Applying this proposition to the case under discussion, I should like to know what are those duties and responsibilities which you would cast on the Governor for the performance of which you do not propose to endow him with the requisite powers. The basis of discussion of this subject, from our point of view, is that the Government should be a constitutional or responsible Government and that it should be presided over and have at its head a constitutional Governor. In various parts of the Dominions there are constitutional Governments presided over by Governors, and you will not have to invest the Indian Governors of the future with any more powers or with any more responsibilities than those with which you endow Dominion Governors.

There should be, however, one important exception. That exception I referred to in my remarks yesterday morning, namely, that in the Instrument of Instructions to the Governor we should have no objection to the insertion of a clause providing that he should see that no injustice was done to any minority community, and that the minorities should receive fair and equitable treatment. If in that respect the Governor takes a view which is not the view of his responsible Ministers, and if, therefore, in pursuance of the obligation cast on him by the Instrument of Instructions he gives advice to his Ministers as to a particular action to be taken or to be avoided, and if the Ministers do not accept that advice, the Governor will have the power which every constitutional Governor has of seeking for other Ministers who will be more amenable to the advice he gives in this particular regard, where a special responsibility has been placed on him.

Similarly, when in the course of day to day administration a subject or a situation arises which in the opinion of the Governor is of more than ordinary importance, and which, therefore, makes it his duty not to follow the advice of his Ministers if he disagrees with it, but to insist on different action being taken, there again the constitutional remedy will always be open to him of accepting the resignation of those Ministers and appointing others who will be more in accord with his views.

Going a step further and assuming the difference between the Governor and those members of the Legislative Council who may be expected to be in a position to form a Government is, on that matter which the Governor regards as of such importance, so fundamental that he cannot get Ministers, the other constitutional remedy will be open to him and he can dissolve the Legislature and order a fresh election to take place. If after the general election he still finds there is no available man for the office of Minister who will take his view of the matter, it must follow in any

constitutional system that the Governor must accept the advice of those who come with a fresh mandate from the electorate.

If you do not make these assumptions, and proceed to build your constitution on them, you may as well abandon the idea of endowing any Indian Province with constitutional or responsible Government. If you think of extreme possibilities which may occur once in a generation, and seek to provide safeguards or reservations or remedies for them, you run the risk of placing in the hands of Governors with an autocratic habit of mind the power, in emergency situations which may be provoking to them, to take action which cannot be justified on any ground of constitutional propriety or public expediency.

We must proceed on the assumption, in seeking to build up a scheme of reform, that the people for whose benefit that scheme is intended will act as men of commonsense and responsibility, and that they will know their own wellbeing and will not create situations fatal to their own development.

If I am told in reply that the history of the Governments of more Provinces than one in British India in recent years belies this assumption that you can trust the people to exercise enough commonsense and responsibility, I would say the objection is invalid on the ground of the peculiar nature of the present constitution, on the ground that the present constitution, taken as a whole, may without violence to language be described as an unconstitutional constitution, and the difficulties which this constitution has produced are not difficulties which you need anticipate when you have a straightforward constitution which creates a system of responsible Government. I would venture again to repeat the warning uttered by a Provincial Governor, Sir Harcourt Butler, when he said reform must not be afraid of itself.

The noble Marquess raised another point when he said there would have to be non-votable items, and if the Legislature refused to grant the money what was the Governor to do. The one comprehensive answer to that and to all cognate questions is this. If the Ministers refuse to act in the manner expected of responsible men, the Ministers will have to surrender their jobs; if the Legislature acts and persists in acting in contumacious and irresponsible ways, the Governor must dissolve the Legislature and hold a fresh election. These are the constitutional remedies for constitutional difficulties in a constitutional system of government.

The third point raised by the noble Marquess was that the Governor might receive orders or instructions from the Secretary of State or from the Governor-General in Council, and how was he to carry out those orders received from official superiors unless he was endowed with special authority therefor. My answer is this. If the Provincial Government is to be a unitary responsible Government, the Governor will not have to receive any orders from any external authority such as the Governor-General in Council or the Secretary of State so far as the region of Provincial Government is concerned. He can only receive orders and instructions with reference to matters which are not within the province of the responsible Provincial Government; so far as those orders go the Provincial Government will not have anything to do with them; they will be matters of a different nature which cannot be solved in this Sub-Committee.

If there are Central or Federal subjects which are placed under the control of the Central or Federal Government and Legislature, but subjects which are administered through the agency of the Provincial Governor for purposes of administrative convenience or financial economy, then the Central or Federal Government which makes the Provincial Governor its agent specifically for those purposes will see he is given the requisite staff, the requisite funds, and the requisite powers to perform his duties as its agent in an adequate manner. He will not come into conflict on any point with his responsible Government.

The noble Marquess pleads that all he wants is a certain elasticity, a certain discretion for the Governor. If the Governor is allowed at times to appoint an official as Minister, you may be certain, the noble Marquess said, that he will not proceed post haste to exercise that discretionary power, but will do so only in an emergency when he thinks he has no other option. I submit this is not a reasonable view of elasticity for the noble Marquess to take, if you proceed on the assumption that you are building up a system of responsible government in the Provinces. Suppose in this country an emergency arose when it appeared to wise men that the ordinary constitutional system should be suspended and that an emergency Government should be created. Is there any provision by which you are governed which would enable anyone here to suspend Parliament or to suspend Cabinet Government? When the emergency occurred, you proceeded to construct a Cabinet of five. But in a Provincial Government such situations are not likely to arise. We are not dealing with the Central, National Government but only with a Provincial Government, the whole of the problems under the purview of which will be of a domestic nature.

I think one comprehensive answer can be given to all the questions which are treated in items 3, 4 and 5 of this paper, namely, that the Governor should be considered to be a constitutional Governor at the head of a responsible Government, and that with the single exception of an instruction to him in the Instrument of Instructions with regard to minority communities, he should be treated as constitutional Governors are treated in Dominions which have constitutional Governments.

Dr. Shafa'at Ahmad Khan: I am under a considerable handicap to-day, because I did not follow the debate yesterday; but I should like to deal with two points which have been raised by the noble Marquess. The first point concerns the question of an official Minister, and the second the question of the powers of the Governor.

So far as the question of an official Minister is concerned, opinion in India, and I think here too, is that he would be a fifth wheel in the coach. I am convinced that if an official Minister is taken into the Ministry it will place the Ministry in a very awkward position. Either the official will be brought in with the consent or at the desire of the Chief Minister, or he will not. Taking the first alternative, let us suppose that the Chief Minister consents to the inclusion or the admission of an official Minister. If the Chief Minister says to the Governor "Your Excellency, I have no objection at all," it will show that the Chief Minister is not really equal to his job; he cannot carry on the work and is incapable of carrying on the administration on a very high standard. The best thing, therefore, would be for him to give way to another Chief Minister, in order that the Government which his successor may form may inspire confidence.

If, on the other hand, the official Minister is brought in against the advice of the Chief Minister, several very serious complications will arise. The mere fact that the official Minister is there will cause all the non-official members of the Council to make a dead set against him. When he appears in the Council on the Treasury Bench the whole Council will be virtually united against him, because he is an official Minister and has been taken against the wishes of the Chief Minister. That is a very important consideration which has to be borne in mind when the possibility of appointing an official Minister is advocated. I can say from an experience of seven years in a local Legislature that a number of the measures proposed in that local Legislature are opposed simply and solely because they proceed from what is called the reserved side. If any measure comes up from the reserved side it is suspected by the transferred side. The Ministers may not oppose it openly, but they sometimes oppose it secretly because it emanates from the reserved side. If, on the other hand, you have an official Minister, in that case the opposition will be greater, more intense and keener,

because in that case the official Minister will be the target of attack not only by the Chief Minister but by practically every non-official member of the House. That is a very important consideration which has to be borne in mind.

I now come to the powers of the Governor. In discussing the powers of the Governor two or three important factors must be kept in view. In the first place a distinction must be made between two different capacities in which the Governor may exercise his powers. When a Governor comes to a Province he has a dual function to perform. In the first place, he acts as the agent of the Imperial Government; in the second place, he is the head of the local Government. These two functions are quite clearly understood in all the Dominions, as far as I know. Insofar as the Governor is the agent of the Imperial Government, he must carry out and is obliged to carry out all the duties and obligations and responsibilities which the Secretary of State for the Colonies or the Secretary of State for India may impose on him, or which may be imposed on him by the Statute. That is absolutely clear. As head of the local Government he has also certain duties which he will be called on to perform.

I will deal with his duties as agent of the Imperial Government. His duties as agent of the Imperial Government consist not merely in performing social functions and doing the routine work of attending cricket matches and so on; they consist also in obeying the Despatches of the Secretary of State for India or the Secretary of State for the Colonies. This is also perfectly clear. When he receives his letters patent he also receives instructions under the Signet, and those instructions he must obey, besides obeying the instructions which he receives frequently from the Secretary of State for the Colonies. He is bound to obey, therefore, not only the instructions he gets when he is appointed but also the instructions which he frequently receives from the Secretary of State for the Colonies; and, because several Governors have not obeyed those Despatches of the Secretary of State for the Colonies, several of them have been recalled. We do not really dispose of this subject, therefore, by saying that the Governor should have the same powers as are possessed by a constitutional Governor.

What are those powers? We ought to know them. The constitutional Governor has certainly got more powers than the previous speaker has really indicated. I will divide those powers into three categories. In the first place, he must have all the powers which a Dominion Governor is expected to exercise and does normally exercise, and those powers include the Statutes of the Imperial Government, all the duties imposed on the Imperial Government by international treaties or by other conventions entered into by the British Government with other Foreign Governments. All these must be carried out through the Government of India by the local Government. That is one thing. Secondly, besides the international obligations he must carry out the orders of the Secretary of State whatever they may be. Of course, they will be very restricted.

I come now to the powers of the Governor and his duties in respect to local Government. First we have the safety and security of the Province. This is included in the present instructions to Governors, and the proposal is that similar words, " safety and tranquillity " shall be embodied in a statute. I believe that the Governor must have a reserved power of this kind in emergencies. A Governor will think twice before he cuts across the wishes of his Ministry, and, on the other hand, he will not take steps lightly to alienate public sympathy. What we have to fear is not too much action by the Governor, but too little.

In the second place there is the question of safeguards for minorities. This sub-Committee has not to deal with the nature or form of the safeguards, but with the method by which those safeguards are to be enforced. I can say that on these points it is perfectly clear that safeguards must be enunciated in the statute. The principles must be there; if they are not there the Governor cannot be expected to try to carry them out. It is placing too heavy a responsibility upon him. Not to put them there would be to reduce the whole thing to a farce. In the Government of India Act, Section 67 (2) we read, " It shall not be lawful without the previous sanction of the Governor-General to introduce at any meeting any measure affecting . . .the religious life and usages of any class of British subjects in India." All that has to be done is simply to adapt this phraseology, so as to make it unlawful to introduce any Bill dealing with these fundamental rights without the previous consent of the Governor. If the Governor stated that the objection was frivolous, in that case the Bill must proceed. The machinery I suggest is perfectly easy. This Section can be modified and applied to the Provincial Legislature. It has been tested in practice and found to work very successfully indeed.

Then it was suggested that the Governor should have power regarding financial stability. I entirely agree. It is one of the duties which should be imposed upon the Governor to maintain the financial stability of the Province. There are numerous instances of Governors of Dominions being called upon by Statute to see to it that no financial irregularity occurs. That power should be extended.

The next point is concerned with the power of the Governor in emergencies. Very few will disagree on this point. Supposing the constitution breaks down, and there is no Ministry capable of carrying on the Government, in that case the Governor will be justified in dissolving the Legislature, dismissing the Ministry and running the Government himself until a new Ministry can be appointed. The method suggested by Mr. Chintamani will not be practicable; he suggested that in certain questions, for instance, law and order, the Governor should do nothing. All he need do is to dissolve the Legislature and later on to entrust the work to a Chief Minister. The time he would take in doing this could not be less than a month. What will happen during the interval when he goes through all the formalities of dismissing the Legislature, dismissing the Ministry and forming a new Ministry? There would be anarchy throughout the Province. Anybody who has had any practical experience of administration will see that it is thoroughly impracticable to suggest this tedious process.

Mr. Jadhav: On the third item of the Agenda, as to whether special powers should be exercised by the Governor, Lord Zetland has stated that the Governor should not be reduced to the position of an automaton. I perfectly agree with him. But when it is stated here that the Governor should be a constitutional Governor it does not mean that he should be such from January 1st, 1932, or from whatever date the new Government of India may come into operation. There will be a period of transition, and I assure the noble Marquess that in that period the Chief Minister and his colleagues will have very often to go to the Governor for advice, especially on constitutional matters. I have had the privilege of knowing intimately the three last Governors of Bombay, and have on many occasions consulted them as to what the constitutional position was, and what under such circumstances would be done by the Parliament or the Government of England. This recourse would be of immense use in carrying out the new constitution which will be mostly on the British model. If the Governor was taken from the I.C.S., and had no experience of political life in England, the recourse would not be of the same value. But a Governor taken from the public life in England would not be used to the position of an automaton. He would have to give advice and guidance to the Ministers working under his eye, and therefore I do not think there would be any difficulty in finding men of experience and also of self-respect accepting the position of Governor in any Indian Province. It is certain that the Governor should be vested with special powers which are necessary, and that these should be exercised by him and not by the Executive. The time for exercising these special powers will be when the Ministers have failed in their duty, and the situation is left to the Governor to deal with.

With regard to the fourth point in the Agenda, as to how the Governor should obtain advice necessary for the exercise of his special powers, I do not think that special machinery need be created for providing advice to the Governor. The Governor will, I think, exercise his ingenuity or the means at his command in gaining the necessary information. I do not think there should be any provision made to supply him with advice, nor do I agree with the proposal made by the Simon Commission for the creation of sinecures in the shape of Ministers without portfolios.

With regard to the fifth point on the agenda, as to provision to enable the Government to be carried on in the event of a breakdown in the normal constitution, what is meant by a breakdown? By that is meant that the constituted Ministers are not in a position to carry on efficiently, and in that case the Governor will be the best judge as to what he should do, whether he should dismiss the Ministry and constitute another or dissolve the Legislature and order a fresh election, or take on the administration himself. That is a question which should be left to the decision of the Governor himself. I do not think it will be right for us to make provision with regard to each of these points.

As to what emergency powers should be given to the Governor and to the Executive, I do not think it necessary to define them. That question has been sufficiently dealt with in the various reports before us. As to the conditions requisite for the exercise of those powers, and under what safeguards they should be exercised, I do not think that any elaborate rules should be formed for the guidance of the Governor, because different conditions may arise in different Provinces, and any set of principles may not be suitable for general application, and ultimately the Governor will have to fall back upon his own ingenuity. I think that the amendment of the Government of India Act should not be too frequently called for, and as we are now framing a constitution which will make India a self-governing Dominion, provision should be made in this amendment of the Government of India Act, that the advancement and evolution of the constitutional progress of India is clearly and completely set out in such a way that there will not be any need for change afterwards. Any changes required from time to time as India advances should be put down in the Instruments of Instructions. For this reason I do not agree with the last speaker that everything should be put into a statute, including the provisions for the protection of minorities. This would mean that India would not be a self-governing Dominion for a very long time to come, at all events not until those conditions laid down in the statute had become a dead letter. For that reason I would not desire that these provisions should be embodied in a Government of India Act, but in the instructions or rules issued from time to time it would be possible to make effective such changes as might prove to be necessary. In that way the working of the Government of India Act would not be impeded.

Sir Cowasji Jehangir : Sir, the points have now been narrowed down by the speech just made by Lord Zetland. He still suggests that the Chief Minister or the Governor should have the option of having a minister from outside the Council. May I point out that he does not now insist or he never did believe that it would be necessary in every case, but he just wants to give that option to the Governor. May I point out that even if the Governor or the Chief Minister never took advantage of this provision, we must consider what the effect of such a provision will be just now upon public opinion in India. I would bring this point to the attention of Lord Zetland and the other Delegates. Take it for granted that that provision is never made use of, take it for granted that Lord Zetland does not intend that it should be made use of, may I most respectfully point out that such a provision in the Act will have the effect of damning any legislation that may go through.

Lord Zetland : May I just point out that I do not want to insert a clause of that kind in the Act; what I want to avoid is laying down quite definitely, either in the Act or in rules, that the Governor shall not have the discretion. I do not want it mentioned at all.

Sir Cowasji Jehangir : The unfortunate thing is that in the Simon Commission's Report this suggestion was made and if you do not now provide for such a contingency in the Act itself it will immediately be said that you are handing over these powers to a Governor and a Chief Minister, that is to say the power of appointing one or more officials to the Government, and a contingency may arise when a Governor may take advantage of it. Therefore, Sir, I most respectfully beg that this suggestion should be given up in view of the practically unanimous opinion of the Delegates, taking everything for granted, that what Lord Zetland said is correct, that it will not be taken advantage of. If that is so the point is so narrow and public opinion is so strong in India, that, rather than have strong criticism against any legislation that may go through in this respect, I would respectfully ask that it should be left out.

Then again, his explanation as to the position of the Chief Minister was perfectly logical. We hope and trust that the Governor will in each case ask for the assistance of a Chief Minister in the formation of his Government. It can only be mentioned in the Instrument of Instructions; such things are never or very seldom mentioned in a statute. It was always my intention to leave it free in the Instrument of Instructions; but it must be very definitely laid down that in every case the Governor shall appoint the Chief Minister and shall approve or disapprove of the names submitted except perhaps—and I am not prepared to admit this just now—in certain very exceptional cases. This goes to the very foundation of self-government, the Government appointing the Ministry with the advice of prominent members of the Council. The suggestion is the very negation of self-government. It has been admitted on all sides here that joint responsibility is an absolute necessity; it is a *sine qua non* so much so that Mr. Ambedkar suggested that that should be the only point which should be made a statutory provision. If that is so, may I respectfully again point out that giving the power to the Governor to appoint his ministers is not consistent with joint responsibility. There are several groups; the Governor picks out the best men from each group; he calls one or two prominent members and says: "Now work together jointly." Would not the other method be far better, that the Chief Minister should go round and choose the men who he thinks will work with joint responsibility, submit the names to the Governor, then let the Governor say that for certain reasons so and so might be left out or so and so might be included. If the Governor did not approve of that list finally or if the Chief Minister would not accept the advice of the Governor, the Governor would have the opportunity of choosing another man to form the Ministry.

Lord Zetland : That expresses my views beautifully.

Sir Cowasji Jehangir : Then why not have it laid down definitely that that shall be the principle? Why leave it open? Why say that in certain cases that shall not be the rule? That is what is doing the damage so far as Indian public opinion is concerned. I have read in the Indian Press many criticisms of these suggestions. It is these little things that cause the trouble. They may be little things; we know that if worked properly it means nothing except that you let it be flexible; but you start with the prejudice. That was the trouble with dyarchy and it ultimately accumulated. Do not start with a prejudice; say clearly that you mean that there shall be a Chief Minister; the Governor may disapprove of a name or two and may call for another Chief Minister; lay that down as a principle in the Instrument of Instructions. The difference being so small ultimately, do not let us start with the prejudice of the Indian public.

Lord Zetland said that if you do not give any powers to the Governor he will be a cypher. Well, Sir, what is the Governor expected to be? In short, he is expected to be a guide, philosopher and friend of the ministry, a man there from whom advice is available; a man of experience of public life in England who is ready to give his ministry advice, but who has not the power of insisting that that advice shall be taken. Believe me, the Governor will be more powerful; the Governor will be a greater instrument for good to the country in that position than if you give him powers of over-ruling or over-riding his ministry. Situated as we are to-day in India, the advice of an Englishman is most welcome, but when that Englishman has the power of forcing that advice down the throats of unwilling people, it is not only resented but the advice is not taken. That is the position; the Governor will be in a more influential position provided the responsibility is not on his shoulders.

Chairman: But does anybody propose to give him the power which you are referring to—to push it down their throats?

Sir Cowasji Jehangir: Yes, all these over-riding powers that are suggested.

Chairman: I thought we were trying to turn over a new leaf.

Sir Cowasji Jehangir: Yes, that is what we are trying our utmost to do, Sir, and we hope we shall do it. As to these over-riding powers mentioned in the Report of the Simon Commission, 3, 4 and 5 are mere truisms. Undoubtedly if there is any statutory provision laying upon the Governor any responsibilities you must give him the power to carry out those responsibilities; that is a truism, but the point is what are the statutory responsibilities which you are going to put on his shoulders? I should say very little and I will give my reason afterwards. No. 4 is to secure the carrying out of an order of the Secretary of State or the Government of India. Naturally that is another truism; if in the Statute the Secretary of State has the power of laying down a policy, the Governor must have the power to carry out that policy. But the point is: What power are you going to give to the Secretary of State? The third is also a truism; if you are going to have non-votable items, naturally the Governor must have the power of putting his hands in the Treasury and paying out those amounts; they will be a first charge on the Revenues. All non-votable items are at present a first charge on the Revenues; they will remain so. It would be unconstitutional not to pay a non-votable grant; it would be ultra-vires. It is a first charge and that is a truism.

Then we come to No. 2, on which there is a difference of opinion; that is to prevent serious prejudice to any section of the community. I would leave that alone for the present until the Minorities Committee has reported. Whatever responsibility is placed upon the shoulders of the Governor with regard to minorities he must have the power of carrying out those responsibilities.

No. 1 is to secure the safety and tranquillity of the Province. There I quite agree the Governor must have emergency powers, and if No. 1 means emergency powers, I have no objection. But what does it mean? That is what we want to know. What does it mean when it says: "to preserve the safety and tranquillity of the Province?" There are two circumstances under which I consider emergency powers at present are necessary and I think the Governor must be left to be the judge. The first is where no Council is in existence, and no ministry under certain circumstances. Certainly the Governor must carry on the Government. Secondly, which is much more serious, when there is such a disturbance in a Province or in any part of a Province and that a disturbance continues for a length of time notwithstanding every effort of the Ministry, when public opinion gets so strong that something more effective should be done, when Government is paralysed on account of that trouble, communal or otherwise; then certainly the Governor must step in.

Mr. K. T. Paul: What can he do?

Sir Cowasji Jehangir: The assistance of the Federal Government must be asked for; the Governor must intercede and establish government again. These are cases of emergency and I would be the first to say the Governor must be given those emergency powers; under all circumstances he must be given those emergency powers and he must be the judge of when that emergency has arisen. If a Governor does not use his discretion properly and uses those emergency powers when his Ministry is still able to cope with the situation, then public opinion will be so strong I believe in the future that that Governor will no longer be able to remain a Governor. I have no reason to believe that the men who will be Governors in the future will not use that discretion in a manner in which it is intended to be used, provided it is clearly defined that it is only in the case of emergency that the Governor should interfere. I will only give two instances. The Simon Commission has also pointed out the very difficult position in which Governors will be placed in the future in India and in a few lines upon which I cannot lay my hands immediately it has shown some hesitation, it wonders whether those men will be forthcoming to take up all these responsibilities. That doubt is well founded and it is our object to lessen those responsibilities as far as possible. We must not make it necessary to have supermen as Governors of Provinces; we can only expect to get good men; we cannot expect to get supermen. Unless you take all this responsibility off their shoulders, which so many people are anxious to thrust on their shoulders, you will require supermen to be Governors of Provinces. I do not expect to have supermen to be Governors of Provinces; I only expect to have good men and men with experience. Therefore, I would must respectfully urge that you do not place all these responsibilities on the shoulders of a Governor; let him be a guide, philosopher and friend, but not a dictator.

(The sub-Committee adjourned for a quarter of an hour.)

Diwan Bahadur Ramachandra Rao: Sir, there are three questions which have been under discussion this afternoon. Lord Zetland has revived the discussion in regard to official ministers. I regret to say that with all respect to him, and after hearing everything that has been said in favour of the proposal, I still feel that the entertainment of an official minister would constitute a serious inroad on the principle of responsibility which it is proposed to confer on the ministers. I have already pointed out on a previous occasion that even the partly official local Governments as they now are, are for the most part against the introduction of a minister who is not responsible to a constituency. The Government of Bombay point out that it will create the anomaly of there being in a Cabinet jointly responsible to a Legislature persons who will not be drawn from it and who will not represent the choice of the Legislature; they will not have any party or following in the Council on whom they could depend for carrying out their policy; though in theory responsible to the Legislature, they will not be removable by it, and, being appointed by the Governor, will naturally look to him for support. Now, Sir, that is conclusive; in effect we shall be introducing into the Executive a person who is not responsible to anyone but the Governor. That is fundamental. If you wish to have joint Cabinet responsibility for the administration of the Province it is far better not to have an official Minister. The only reason put forward by Lord Zetland was that there may be circumstances in which as between the conflicting communities in India it may be possible to entrust the portfolio of Law and Order to a person who is not connected with any community. As I have already pointed out, and as several of my friends have already stated, if the communities have no confidence in each other, they must learn to work together and to trust each other. As has been pointed out, in many of the Provinces Indians have already been discharging these duties. In those circumstances absolutely no reason has been

assigned for infringing the principle because of the possible contingency of an official minister being required in some Province at some future time. It seems to me that there are no compelling circumstances which should induce us at present to agree to the introduction of an official minister.

As regards the overriding powers of the Governor, there seems to be some slight confusion. The Simon Commission have definitely taken the stand that as far as possible there must be a break with the existing system, which allows the Governor to do more or less what he likes and to override his Ministers in any matter in the whole field of administrative responsibility. In para. 53 they say: "It is this which we have more than once referred to as the 'blurring' of responsibility. Self-government in the provinces can only become a reality when the Governor does not come in like a *deus ex machina* to make the wheels go round. The principle which we think ought to be insisted upon is that as long as the normal processes of responsible government are being pursued, the responsibility which properly attaches to government should be jointly borne by those who have the honour and the care of office. We are bound to make the provisions in para. 50 for the critical cases which may arise when the rights of minorities are put in jeopardy, or the peace and security of the province are put in serious peril, as well as for cases where vital interests not limited to the province are involved. But subject to this, responsibility in the face of the provincial legislature should rest where it constitutionally lies, as long as normal constitutional government is being carried on."

This is the position taken up by the Simon Commission, and their recommendations are intended to break with the existing practice of allowing the Governor to do what he likes in any sphere of government entrusted to the Ministers. The Commission reduce the cases where the Governor should have power of intervention and of overriding the views of his Ministers to five, and these five cases are expressly set out in para. 50 of the Report of the Simon Commission. The question we have to consider is whether we should accept these cases as cases where the Governor should have some power to override the decisions of the Ministers.

In regard to these five cases, the first one mentioned is: "In order to preserve the safety and tranquillity of the Province." I submit that these words "the safety and tranquillity of the Province" are too general and are too comprehensive. In one place the Simon Commission has expressly ruled that responsibility should lie normally with the Minister, yet they give power to the Governor under these comprehensive words to override the decisions of the Cabinet and to prescribe measures over the head of the administration. I submit many cases may arise in the normal course of administration where this provision could be invoked, and I submit that the Governor should not have the power to intervene in this way in the normal course of administration in any Province, but should have it only in the case of a state of emergency, such as is referred to in the Report of the Simon Commission. Otherwise we shall impinge on the responsibility of the Minister, and we shall be inviting the Governor to shoulder that responsibility, which ought to be on the shoulders of the Ministers.

I should also like to draw the attention of the sub-Committee to the fact that in these five cases the Governor would be subject to the superintendence, direction and control of the Governor-General. The result of that is that in regard to matters which are described as falling under the safety and tranquillity of the Province it is not only the Governor but the Governor-General who may intervene in the affairs of the Province and in this way override the decisions of the Ministers.

On these broad grounds I submit that the only case in which the Governor should have any special powers should be in the circumstances described as constituting a state of emergency, and which are these: "We recommend that the Governor . . . should be given statutory powers to declare that a state of affairs has arisen under which the government of the province cannot be carried on in accordance with the provisions of the Statute, and thereupon there should vest in the Governor all the powers normally possessed by the Governor and his Cabinet, with the right to appoint any persons to assist him and to delegate powers to them, and the right to nominate any such persons as members of the Legislature. The Governor would have further powers to restore rejected demands for grants, and to certify legislation if in his opinion it is essential for any interest in the province—a power which it will be observed is wider than his normal powers set out in para. 50 above. It should be provided that the reasons for declaring that such a state of affairs exists should be reported at once to Parliament, and that these special powers should not remain in operation for more than twelve months without the approval of Parliament expressed by resolution of both Houses."

It is these powers that it may be necessary for the Governor to possess, where the machinery of Government breaks down, where the Legislature refuses to function and where there are no Ministers to take charge of the administration. It may be that in those circumstances the special powers mentioned in the paragraph I have quoted should be given to the Governor, but I think that in no circumstances other than that should the responsibility of the Ministers be reduced. They should certainly learn to face the music and not to call on the Governor to shoulder their responsibility which lies on them as Ministers. That is, I submit, the true position; it is only to meet a state of emergency that the Governor should have these powers. In other circumstances the Ministers should act normally and the Governor should be bound to act on their advice.

Sir Ghulam Hussain Hidayatullah: I will not take more than five minutes. I agree with my friend Sir Cowasji Jehangir that no Minister who is not an elected member of the Legislative Council will be acceptable to the country, but I join issue with him when he says it should be obligatory on the Governor in all circumstances to have a Chief Minister. I do not think the Governor's discretion should be tied down in that way. There will be circumstances under which he may not be able to find a man who can command the confidence of a very large section of the House.

My friend Mr. Chintamani said we ought to have a constitutional Governor, whose powers would be restricted to dismissing Ministers and dissolving the Council. He did not like to give the Governor any other powers; he seems to imagine that in India ideal circumstances exist, that there are no differences of class and creed, and that we have disciplined parties in that country!

With regard to the powers proposed for the safety and tranquillity of the Province, that point has already been dealt with by my friend Dr. Shafa'at Ahmad Khan. If the tranquillity and safety of the Province is in danger, the Governor, it is said, must dissolve the Council. It will take some time before new elections take place and a new Council is formed, and in the meantime the disaster may be complete.

With regard to the protection of minorities, Mr. Chintamani suggested that instructions should be given to the Governor in the Instrument of Instructions to see that no injustice was done to the minority communities. If the Governor gives that advice and he is not listened to, what is he to do? He will be helpless. We have Provinces where one community predominates over the other. In that case almost the same Ministers will be returned and will form the Ministry, and no other community can form a Ministry. What will be the position of the Governor then? He ought to be provided with certain overriding powers.

On the third point, expenditure, let us suppose that we have financial difficulties in all the Provinces. The Council may, for example, cut down the salaries not of future recruits but of the existing servants. What will happen if the Council does cut them down?

Sir Cowasji Jehangir: What sort of servants?

Sir Ghulam Hussain Hidayatullah : All-India servants. They will continue for some time; you cannot send them away now, at once, and until they retire their position must be safeguarded. What will be the position of the Governor ? He cannot restore the amount.

Sir Cowasji Jehangir : It will be non-voted.

Sir Ghulam Hussain Hidayatullah : Suppose the local Legislature makes an inroad on the administration of Central subjects; the Governor will be helpless. If the Council interferes in a matter which, in the opinion of the Governor-General, essentially affects the interests of any other part of India the Governor will be helpless unless we give him specified powers.

With regard to emergency powers, I am in favour of them in the form in which they are recommended by the Simon Commission.

Sir A. P. Patro : I propose to speak only on the powers of the Governor in relation to the Executive and the Legislature. We have all been talking more or less at random and without reference to any particular powers that are now exercised by the Governors. The powers exercised by the Governor relate to administrative, financial and legislative matters. In regard to the exercise of the powers that are now vested in him under the Government of India Act, we have to find, from our experience and knowledge of what has happened during the last ten years, whether there has been any abuse of the powers that are now vested in the Governors in the various Provinces. If these powers that are now vested are abused or are not carried out properly, then we have to examine the position and see what are the powers that should be curtailed or taken away.

In the present circumstances of the country where we have got reserved and transferred subjects certain powers are vested in the Governor, but this distinction between reserved and transferred will disappear, and therefore the powers of the Governor must necessarily be altered.

With regard to the administrative powers of the Governor, I think the Statutory Commission has very carefully considered the altered position of the country, and has made suggestions in paragraphs 52 and 53 which are very sound, and which should in my view be adopted, because they form the basis of the conclusions with regard to provincial autonomy. The only criticism which has been made of them is one made by my friend Dr. Ambedkar with regard to communal matters; but I should like respectfully to say that I do not agree with his criticism of that matter otherwise every one of the speakers here has agreed that this should be the basis of the powers of interference by the Governor in administrative matters. My friend Mr. Ramachandra Rao read out paragraph 53, and here we have a very careful survey of the existing situation and of the new powers which will be vested in the Legislative Councils. The Statutory Commission has made its suggestions, and I do not think anyone has seriously challenged the correctness of the suggestions made in paragraph 50 of its Report.

With regard to the financial powers, to-day certain powers are conveyed in the Statute under Sections 64 and 74 D. With regard to certification where a grant is thrown out, that has reference to the reserved subjects. With reference to the transferred subjects the present power of the Governor is not to restore it but to leave it to the Council itself, and the fate of the Ministers will be that they will have to go. In the case of reserved subjects the Governor has power to certify a grant which has been thrown out, and in addition he now has power, where he thinks the discharge of his responsibility requires that a certain item should be sanctioned apart from the budget, to sanction it.

I appeal to the experience of the members of the Legislative Council, and to Ministers with long experience, to say on how many occasions this power was exercised. I know only one occasion in Southern India where this power had to be exercised, and was exercised in consultation with the Cabinet, namely, when the Moplah rebellion broke out in Southern India. The Legislative Council was not sitting at the time, and the Governor had to certify this in consultation with the Ministers and the Members concerned. That is the only occasion in the last ten years in Southern India where the extraordinary powers vested in the Governor were exercised, and the exception proves the rule that the existence of such powers is necessary to meet such cases as I have described.

With regard to the Legislative powers, Sections 37 and 42 of the Nehru Report acknowledge the need for the same powers that are now provided in the Government of India Act. They refer to the legislative powers with regard to the previous sanction of Bills with regard to finance matters, and for referring Bills back, such as are contained in the Government of India Act. Those powers are also recommended by the Simon Commission. The powers of the Governor in regard to administration are described in paragraph 50 of the Report, and the financial powers as we find them in Section 72D and the legislative powers which are necessary are all suggested in this Report. I therefore say that the Governor must have these powers with a view to carrying on the administration on practical lines.

From a strict constitutional point of view it may be argued that the Governor should get rid of a Ministry or have a new Council. That may be quite true logically, but what is our practical experience ? What affect will this have on administration ? If every time there is a dissolution of the Council, if every time the Governor dismisses the Ministry, it will lead to what happens in some other countries. To avoid all such contingencies and to carry on the administration for the benefit of the people and for the political advancement of the country it is necessary that some of these powers to which I have referred should be vested in the Governor. It cannot be that the Governor will exercise them arbitrarily under the new conditions, when he has a responsible Ministry which is responsible to the people of the Province and he has to be guided by their advice.

Mr. Zafrullah Khan : I feel, with all respect, that there is some slight confusion with regard to the powers of the Governor between what are described as the overriding powers and the powers in the case of a breakdown. The overriding powers, whether wide or narrow, will be exercised, we must realise, at times when the government of the Province is being carried on on ordinary, normal constitutional lines; that is to say, when there is a Legislature in existence and a Cabinet responsible to the Legislature, and some difficulty or emergency arises which it is not necessary to get over by the dismissal of the Ministers, a fresh election and the formation of a new Cabinet, but where we feel the Governor should have power to get over the difficulty by differing from and overruling the advice or decision of his Ministers. These are what I understand to be the overruling powers, and those are the overruling powers—(1), (2), (3), (4) and (5)—described by the Simon Commission as being those which the Governor should ordinarily possess.

Let us suppose that action is proposed to be taken which constitutes a grave menace to the safety and tranquillity of the Province, and the Governor finds that his persuasion and advice are not being accepted. He should then have the power, though its limits should be strictly defined, to interfere in order to preserve Law and Order, and to say "This shall not be done, because in my opinion it will endanger the safety and tranquillity of the Province."

Otherwise, the government will be carried on at that time in ordinary normal conditions.

On the other hand, there is the other question to which perhaps not so much attention has been paid this afternoon as ought to have been paid to it, the question of a breakdown, which is dealt with under Head No. 5 of the heads of discussion. Supposing either the Legislature broke down or there was non-co-operation in the Province and people refused to

return representatives, or when a Legislature has been formed everybody refuses to take office, or when a Ministry has been formed the majority goes on turning it out every time, the question is what powers shall be possessed in that case, and it is only in regard to those that I want to make a submission or two.

With regard to those, the procedure suggested by the Simon Commission is that under the supervision, control and superintendence of the Government of India, the Governor-General should have power to declare a state of emergency and to carry on the Government for a period not longer than twelve months, to report his action to the Parliament, and it is possible to carry out that plan for longer than twelve months if Parliament so certifies. In my submission there ought to be two modifications in this scheme recommended by the Simon Commission as an alternative scheme in the case of a breakdown. There is not enough time to develop my suggestions, but I ought to put them before the Committee for consideration. One is that in such an event the Governor shall have all the powers of carrying on the Government. Naturally he must have, because there is a breakdown, and he must have people to assist him. There is no objection in that; but to say that he can nominate to the Legislature would mean that even at that time a Legislature would be sitting. If that is so, that seems rather illogical, with all respect, in this sense, that when there is a breakdown the Governor shall have the full responsibility, and for the Legislature to continue to sit during these periods, would not be a help to the Governor. When there is a state of emergency, the Legislature should be dissolved at once, the Governor should carry on the Government of the Province on his own responsibility by appointing any advisers he chooses to appoint, with all the powers of certification by ordinance and so on.

The next suggestion which I have to submit as a modification is that these powers should be exercised for a period not longer than six months instead of twelve months, and within six months they must have another election to the Legislature and see whether the Government can normally carry on the government of the Province with the help of the new Legislature, forming a new government if necessary.

Mr. Joshi : I feel that it would be a great mistake if we showed distrust of the responsible Ministry from the very beginning of the new era in India. I myself hold that the Chief Minister and the Ministry, who care for the interests of the country at least as much as any foreign Governor, should not be mistrusted and will be more responsible. Unfortunately, in this world we have the experience that if we treat people as irresponsible they become irresponsible, therefore, let us not treat them as being irresponsible people from the very start of the new era. I feel that if we once begin to give special powers to the Governor we shall have to give him some other powers also. If, for instance, you ask the Governor to act in an emergency in a certain way, in the first place he will get the power with tampering with the loyalty of the Civil Service to their political chiefs. How can the Governor do anything unless he asks the public servants to obey his orders against the advice of his Ministers ? That must be the first result. The second result will be that the Governor must also possess the power of dismissing public servants. If he has not got the power of dismissing, for example, a police officer who obeys the political chief, how is the Governor going to get his orders obeyed ? He must, therefore, also have the power of making appointments. I therefore feel, Sir, that no special powers should be given. The powers which constitutional Governors possess, namely, the power of vetoing legislation, are very wide powers, and can be utilised by Governors in a large number of cases. Then the Governor has the power of dismissing a Minister, which, in a large number of cases will secure for him his object. Then he can dissolve the Council, and I think that these three powers will enable a Governor to secure his object. I therefore think that in no case should the Governor possess a special power to override the advice of his Ministers. If we say that the Governor will be responsible in an emergency I do not know, why the Governor should be more responsible than the Chief Minister. If there is a rebellion in the country, the Chief Minister will also suffer from the rebellion, and, therefore, the Chief Minister will have to take all the measures which the Governor is expected to take. Moreover, I am told that the Governor must interfere on behalf of minorities. In the first place, we are going to give the minorities protection by their special representation, and that should secure for them whatever their object is. Now, if they expect the Governor to secure for them the proportion of Government posts, then logically it follows that they must give the Governor power to make all appointments, from the smallest appointment of a peon to the highest appointment. If the Governor has not got the power I do not know how he is going to secure equality or proportionate distribution of the posts. They must leave that to the Ministry, because if the Ministry does not act properly towards the minority, the Governor must dismiss the Minister and try to secure another Minister. He must dissolve the Council and secure a better Council. I do not think the Governor can assume for himself the power of making all appointments. Then it was said that the Governor should also use his power to secure financial stability. I do not know how any Governor can do it. If the Governor begins to interfere with the Finance Member's business, then the Governor will have to secure all the powers to himself. I do not think, therefore, that any of these powers should be left with the Governor.

My view, therefore, is that we should not invest the Governor with any special powers; but his powers with regard to vetoing legislation, his power as regards dismissing the Ministry and his power as regards dissolving the Council should be quite sufficient for his purpose.

Chairman : That ends the list of speakers that I had on the question of the powers of the Governor. I do not know whether you could assist me. I have not had the opportunity, of course, of examining the notes of the meeting to see where we stand with regard to this subject. If I were to put these three points—I do not want to vote in the sense that it is a final decision; as I have already said, everything must be provisional—but if I were to put two or three questions just for guidance I think it might assist us in drafting the report. The first question submitted was, is there to be a discretion with the Governor to appoint an official Minister ? (" No, no.") I think that so far as I can see, nearly the whole of the speeches from the Indian representatives, at any rate, were against that discretion; so we had better just leave it at that for the moment.

The next question is, " Should the Governor have any special power to act otherwise than on the advice of his Ministry, whether in the matter of administration, legislation or finance ? " That would be, I suppose, under strictly normal circumstances. Now, I do not think that that position was quite so clear as the first one. There has been some difference of opinion.

Sir Chimanlal Setalvad : I submit that in a general Committee the powers now suggested under Section 52, clause 3, the powers I read, should go. That empowers the Governor, in a day-to-day administration, to act contrary to the advice of his Ministers.

Chairman : Is there any objection to that position ?

Dr. Ambedkar : Might I suggest that it should be put separately—normally and in emergency ?

Chairman : The next point I am going to put deals with an emergency. I thing this deals with ordinary times. I purposely put in the word " normal." Is it Section 50 or Section 52 ?

Sir Chimanlal Setalvad : It is Section 52, clause 3 of the Act.

Sir A. P. Patro : That will go, naturally.

Chairman : Is there any objection to that ?

Mr. Zafrullah Khan : None. That must go.

Chairman : "Should further power be vested in the Governor for use in times of emergency to enable the government to be carried on in the event of a breakdown in the normal constitution ?" ("Yes, yes.") That is in the event of a breakdown in the normal constitution. I think there can be no disagreement about that. Somebody must act. Things must be brought back to normality. There seems to be agreement there.

The next point is the question of the Second Chamber. We have had a good many references to a Second Chamber. I do not know whether it would assist you, or whether we could get agreement, but my own feeling was that the majority of the Committee was rather favourable to a discretion being left with the Provinces to have a Second Chamber if they so desired, but it was not to be made obligatory in the new constitution. I do not know whether there is any disagreement with that point of view..

Dr. Ambedkar : We should like to say one thing on that point, that the Second Chamber should not be constituted first, and then its abolition should be left to constitutional resolution requiring a certain majority. What we suggest is that if the situation is such that it should be left as a matter of discretion in certain Provinces, then first of all a resolution might be passed by the Provincial legislature expressing its desire for a Second Chamber, and then that the Second Chamber should be constituted. It should not be first imposed on the Provincial legislature by the constitution.

Chairman : If you are going to leave a discretion you leave a discretion. You do not impose it, you leave it for the legislature which is to be formed to ask for it. That is how I understand the principle of discretion in that connection.

Sir P. C. Mitter : I should like to say one word in this connection. In the legislatures where they have already asked, for instance in Bengal, in Bihar and Orissa and in the United Provinces, where the Committee appointed by the representatives have already asked, where the Government have already recommended, and where the Government have already accepted, we may proceed on the principle that they may be acceptable, subject to further discussion in the full Conference ; but where they have not asked it may be left to discussion in the open Conference.

Mr. Joshi rose to speak.

Chairman : Just a moment, Mr. Joshi. Supposing that the position just put before the Committee by Sir. P. C. Mitter was the position, or is the position when this constitution comes to be put into operation, there is nothing to prevent the new legislature in the Provinces to which he refers exercising its discretion and bringing into being a Second Chamber. If they had not come to any such decision, there is nothing to compel them to take such a decision, that is how I used the word discretion.

Mr. Joshi : That is all right. That expresses our feelings.

Sir P. C. Mitter : I understand where a discretion has already been exercised, the discretion will be on the new legislature.

Chairman : The discretion will be the discretion under this new constitution. You might have a lot of strange decisions applied to you if it was under a past constitution. It must be that the decision of the legislature when the constitution has been put into operation.

Sir P. C. Mitter : In that case, I would like the point debated at greater length. It is a point of the utmost importance.

Mr. Jadhav : Is the hon. member diffident about this ?

Sir P. C. Mitter : Not at all.

Chairman : Very well, let us hear your speech on the subject.

Sir P. C. Mitter : My point is that we are going to frame a new constitution. On that new constitution we first of all took the advice of the Statutory Commission, we also got the assistance of members elected by the Provincial Legislature, we also got the advice of the Central Committee, and when the elected representatives of the local legislature gave their advice after that, that advice was considered both by the Statutory Commission and by the local Government, and finally that advice was considered by the Government of India ; so that in the case of Provinces, where we have the advice first of all of the representatives of the local legislatures, then of the Provincial Government, and finally of the Government of India, we stand in a position different from that of the Provinces ; for example, Bombay, where they do not want a Second Chamber. Therefore, as our whole object is to frame a constitution, and that constitution is being framed on advice already obtained, I submit that there is a difference. Therefore, I should be perfectly content if my friends here would come to this agreement, that as regards these Provinces, we start with the presumption of this advice. On the other hand, if they do not, then I submit that this is a question of such importance that it ought not to be summarily disposed of one way or the other at the fag end of a sitting. It is a question of great importance. A great deal depends on this. The future safety of the Provinces, the tranquillity of the Provinces, decisions taken in haste—many things depend on it. Therefore, we should not so lightly ignore the unanimous opinion of the representatives of the local legislature, of the Government and of the Government of India.

Chairman : But just let us see where we are. Our friend here is objecting to discussing this matter, though he asked for a discussion and he has made the first speech in the discussion. He is arguing now that we should not continue the discussion because the matter is of such importance. How that arises out of giving any Provinces discretion, to be exercised, as it will, under the new legislature in that Province, I cannot for the life of me understand. Supposing that we were to take a very emphatic decision and vote, we should probably find that three parts of this meeting was going to give a declaration against Second Chambers. He would then have some complaint, but we are avoiding that by leaving it absolutely open, and saying that in his Province they can come to their own decision.

Sir P. C. Mitter : In the new legislature ?

Chairman : In the new legislature, yes. Surely he is prepared to trust his new legislature ?

Mr. Joshi : Or is he afraid of his new legislature ?

Sir P. C. Mitter : My point is, why should I lose the advantage I have already got ? If I may say so, I do not want to avoid the discussion, but what I do want is this. I will discuss, but if you want to discuss, discuss after taking into account the importance of the subject at a time when members are willing to discuss this important subject.

Sir Chimanlal Setalvad : We are quite willing to discuss it.

Sir P. C. Mitter : You may say you are quite willing to discuss it, but at this fag end of the meeting, we all know that we shall be discussing in a hurry this important subject. That is my point, and in that case, and in any case, our recommendations will come before the full House. Therefore why should I lose the advantage of the considered opinion in the case of these three Provinces ? If other representatives from these three Provinces object, I can understand, but if other representatives from these three Provinces do not object, why should my friend from Bombay shake his head ? If the representatives of Bengal objected, if the representatives of Bihar and Orissa, if the representatives of the United Provinces objected, I could understand that. If there is to be self-determination, let there be self-determination in the Provinces.

Sir Chimanlal Setalvad : That is what you want to avoid.

Sir P. C. Mitter : No, I do not want to avoid it. You want that the advantage that I have already got should be wiped out. That is the difference.

Chairman : But surely my friend must admit that to be afraid of losing an advantage that you have already got is not self-determination so far as the new legislature is concerned ; it is taking away their discretion. I am fighting for the discretion for your new legislature, and that is self-determination, not for somebody, before the constitution ever was brought into being, to determine something for your Province—that is not self-determination.

Sir P. C. Mitter : I do not for a moment want to take away the right under the future constitution to take away what is going to be given. According to my idea let there be a statutory provision so that by means of constitutional resolutions, as the Government of India has suggested, it will be open to discussion. We are talking of what has been decided to-day or else all the previous papers are worthless. Are not the decisions which have already taken place to-day taken into account by everybody who has to look into it. I do not object to the future legislature deciding by constitutional resolutions to abolish this, that I do not object to, but I do say that as we are including in these certain decisions already taken, and as these three Provinces stand on a different footing, why should members who do not come from these Provinces object ? that is my point. If others coming from these Provinces objected I could understand that, but those who are concerned in these Provinces want it and do not object. Therefore my point is : let it be recommended to the whole House and then the whole House will have the right to discuss it, not that I am asking you to take a decision to-day.

Chairman : If by " the whole House " you mean the full Conference in Committee, they will have the right to discuss it, because the report of this Committee will be presented and the question of leaving to the Provincial legislatures a discretion with regard to Second Chambers would be open to discussion in that full Conference in Committee. If we can get our Report completed this week, it will probably be discussed at the meeting that is to be held early next week.

Sir P. C. Mitter : Perhaps I have been misunderstood, Sir. I cannot object to the whole House coming to the decision that there should not be a Second Chamber without a special constitutional resolution by the new Legislative Council ; that I am not objecting to. All I am pleading for is that our Report should say that inasmuch as representatives from these two Provinces do not object, inasmuch as their Provincial Committees asked for it, their Provincial Government asked for it and the Government of India asked for it, our recommendation is that this be accepted. But it must be open to the whole House to reject the recommendation.

Chairman : Yes, it will be open to the whole House to reject our full report if they wish to do so.

Sir P. C. Mitter : These three Provinces stand on a different footing, and therefore our recommendations should be on that basis.

Mr. C. E. Wood : Sir, could we put in a rider that with regard to certain Provinces which are mentioned as special, in which the Provincial Committees recommend second houses, the representatives of those Provinces appear to be in favour of forming Second Chambers. Perhaps that would meet Sir P. C. Mitter's objection.

Sir P. C. Mitter : Yes, that would meet my objection.

Dr. Ambedkar : That is a fact which has to be taken into account.

Sir Chimanlal Setalvad : My friend Sir P. C. Mitter has repeatedly asked why Bombay objects to his proposal, and why are other Provinces objecting to his proposal. I will give him the answer : because the course he is proposing is against the self-government that he himself wants.

Sir P. C. Mitter : No.

Sir Chimanlal Setalvad : Yes, it is ; he says : inasmuch as the expiring Council has so decided.

Dr. Ambedkar : They have not ; that is the point.

Sir Chimanlal Setalvad : And that inasmuch as some other authorities have said so, therefore the new Legislature that will come into existence under the new constitution should not have the discretion to decide upon it, but it must be first imposed upon them and then they can say : we do not want it. That is inverting the whole process. It is either one thing or another : either Bengal wants a Second Chamber or it does not. If Bengal wants a Second Chamber, then surely there should be no difficulty in the Legislative Council under the new constitution asking for it. Why is he afraid to go before it and get that resolution ? If, on the contrary, Bengal is against it, then surely you cannot force upon unwilling Bengal in the new council the wording of the old council and the wording of other authorities and committees that have considered the matter. To my mind it is so simple ; there should really be no discussion of this in the way the Chairman put it. We are giving complete discretion to each Province to determine by constitutional resolution of the Legislative Council whether it requires a Second Chamber or not ; the field is completely open, and if the case for Bengal for a Second Chamber is so strong as is said, then surely there can be no difficulty in getting that resolution passed.

Sardar Sampuran Singh : The position is not this, that by deciding that there should be two Houses you would be in any way limiting the authority of the coming constitution of India ; but if at present we do not decide it, we shall be decided only with regard to one interest in the country, that is to say only with regard to those people who are more likely to go into the lower House. But the interests of those people who are likely to go into the higher House naturally will not have the same amount of voice in the lower House. In these Provinces where they want two Houses there are two kinds of people, each different from the other. There are different communities of interest and in order to legislate for those two different communities of interest I think it is to a certain extent necessary that provision should be made for both of them. If we do not consider this point now, I think we should be ignoring one community of interest where it exists in certain Provinces.

Chairman : But that is an entirely new point. As I understand you, you are wanting us to lay it down definitely that there shall be a provision for two Houses. I did not quite gather whether you intended to enforce that upon the Provinces as a matter of statute. All I am suggesting is we shall have to leave it to the discretion of the new Legislature as to whether it shall call into being a Second Chamber.

Sardar Sampuran Singh : What I wanted to submit was this, Sir, that by saying there shall be one House and the second House is to be created by that lower House, we should be ignoring the interests of the people who are to go into the second House. There are Provinces, for example the Punjab, which do not want a second House ; but there are different communities of interest in certain Provinces and there a second House is required. If we now give them only one House we shall be ignoring the claims of those people who think they want a second House and have a separate community of interest from those who are more likely to go into the lower House.

Sir P. C. Mitter : The question of a second House was not really on our agenda paper ; it was discussed incidentally. Therefore I suggest we make no

recommendation one way or the other but merely say that it was suggested incidentally, that some speaker suggested there should be a second House while others objected. We should leave it to the Conference because it was not on the agenda paper and was never fully discussed. That ought to meet my friends. I do not want to run away with a decision. Let the whole Conference decide this question. I will place my points before the whole Conference and the whole Conference will then decide whether I should have the advantage, whether the self-determination should be only self-determination of the future or should be self-determination of the past as well as self-determination of the future. With some confidence I suggest that I can fairly ask for that. It was not on the agenda paper; it is true it was incidentally discussed, but I have many things to say which I would have said at an earlier stage if it had been definitely on the agenda paper.

Chairman : I would like to remove this grievance; we had better have it out in our Committee rather than have it out in the full House, as the suggestion has been made. I think you had better leave it and there will be some reference in the report which I hope we shall be able to discuss on Friday amongst ourselves; If Sir P. C. Mitter is not satisfied with the reference, we will give him the opportunity of making any speech he desires to make upon that part of the report and try to influence this Committee to give him such an amendment as will give him satisfaction. There are one or two other points I should like to mention for your guidance. We have had no discussion at all on two points affecting the Legislature: first of all, the question of how long the new Legislatures shall last; are they to go on for four years or five years?

Some Members : Five years.

Other Members : Four years.

Chairman : I am only asking you to put something in the draft report and I will put in five years. If you move that it should be four years then we will discuss the pros and cons. You are about equally divided between four and five years; I as Chairman will decide for the time being and I will put in five.

(*The sub-Committee adjourned at* 5.40 *p.m.*)

PROCEEDINGS OF THE FIFTH MEETING OF SUB-COMMITTEE No. II (PROVINCIAL CONSTITUTION), HELD ON 15TH DECEMBER, 1930.

Chairman : Perhaps I ought to say that I have sent each member of the Committee a copy of the draft report. In beginning the proceedings I will assume that the report has been read, and therefore I will not take up the time of the Committee by reading it. I propose to take the report paragraph by paragraph, and, if there are amendments, sentence by sentence; but if there are no amendments to any paragraph, I hope the time will not be taken up in discussing the mere wording of any of the paragraphs, because we have to keep in mind that we are not framing a Constitution. A process will have to be taken up at a later stage when all these things will have to be, as I have said repeatedly, fitted into the Constitution; the language that is used in the report is perhaps not so technical and legal as it will be when it comes to be fitted into the entire Constitution. If we would keep that in mind, I think perhaps it would avoid speeches being made on the mere wording of a sentence.

"4. The abolition of dyarchy. The sub-Committee is agreed that in the Governor's provinces the existing system of dyarchy should be abolished and that all provincial subjects, including the portfolio of law and order, should be administered in responsibility to the provincial legislatures." To that I have an amendment by the Earl of Zetland, which I will now ask him to propose.

Mr. Joshi : I have an explanation to ask.

Chairman : Yes, an explanation.

Mr. Joshi : We did not go into the whole list of provincial subjects, but we thought that the powers of the Legislature would be first considered by the sub-Committee A. The explanation I want is this: there are some matters which are considered to be provincial, but are subject to legislation by the Central Legislature. The subjects in which I am interested and about which I want an explanation are: factories, the welfare of labour and the settlement of labour disputes. These are considered to be provincial subjects but are subject to legislation by the Central Legislature. I do not know what is to happen to these subjects, whether they will now be transferred wholly to the Central Legislature, or will be reserved for the provincial legislatures. They were kept as reserved subjects and not transferred subjects, for a very good reason, that the legislation was central. The legislation was central as regards factories which may ask for certain inspection to be undertaken, and if the Central Government had no control over the Provincial Government in that matter, the legislation would be futile. Therefore these subjects were subjects for Central legislation as well as reserved subjects. I therefore want to know, Mr. Chairman, whether we have taken any decision on this matter or whether that will be a subject to be considered by the First Committee.

Chairman : I understood that that was a subject to be considered by the First Committee and that it was no part of our discussion. My report is, as near as I could make it, based upon the actual discussion on this Committee or upon subjects definitely coming within the scope of this Committee, and certainly not coming within the scope of any other Committee. I think Mr. Joshi need have no fear but that it will be discussed and if he has any desire to have the matter explained, he had better give notice to the Chairman of the Committee meeting to-morrow that he will ask him a question to make it clear.

Mr. Joshi : My only desire was that I should not be precluded from raising that point when the report of the First Committee comes up for discussion.

Chairman : No, you cannot be, because we are not covering the ground.

Lord Zetland : Mr. Chairman, the amendment which I should like to put before this Committee is not really an amendment of any substance so far as the main principle of clause 4 is concerned. What I am anxious to do is to provide that the services, and particularly the Police Service, shall be immune from political interference of a party kind. It was agreed in the course of the discussion which took place last week that it was very desirable that the services should be placed completely outside the influence of party politics. What I would like to suggest to the Committee is this, that in that respect we should place the services—and I am dealing particularly with the Police Service—as far as possible on the same footing as they are in this country. In this country the matters of the internal economy of the police force, so to speak—that is to say questions of discipline, training and promotion—are dealt with by the head of the Department, the Commissioner of the Metropolitan Police in the case of London, and Chief Constables in the country. There is in existence in this country an organisation which I think is known as the Police Federation, which consists, with the exception, I think, of a solitary representative of the Home Department, exclusively of police officers. Without the consent of that body no alterations in the rules or regulations relating to emoluments, conditions of service, promotion and so on, can be

made. It has been found very desirable to have a system of that kind in this country and I think it would be equally desirable to have a similar system in India.

Now bearing in mind what your Chairman said, that we are not framing a detailed Constitution, I merely put forward a suggested addition to paragraph 4—not that I am wedded to the particular wording which I have given to it, but merely to make that point. The addition to paragraph 4 which I suggest is as follows: " But the sub-Committee is of opinion that statutory provision should be made that the responsibility for the maintenance of discipline and for the recruitment, training and promotion of the provincial police force, now vested in the Inspector General of Police, should continue to be vested in him, and that in the discharge of these functions he should be subject only to such control as may be necessary to ensure that the police administration of the Province conforms to the general policy of the Government."

Now, Sir, I think I have very nearly taken up my five minutes and I will not therefore delay the Committee further. That is the point I want to make.

Chairman : Just as here the police force in a certain degree is under the control of the Secretary of State for Home Affairs. The amendment proposes an addition, a new paragraph following paragraph 4: " But the sub-Committee is of opinion that statutory provision should be made that the responsibility for the maintenance of discipline, and for the recruitment, training and promotion of the Provincial police force, now vested in the Inspector General of Police, should continue to be vested in him, and that in the discharge of these functions he should be subject only to such control as may be necessary to ensure that the police administration of the Province conforms to the general policy of the Government." Now that is the amendment.

Mr. Chintamani : Sir, I appreciate the anxiety of the noble Marquess to make it clear beyond doubt that the discipline of the police force and its efficiency shall not be affected by political and personal considerations which he apprehends may weigh with the Minister; but I think, Sir, the amendment is partly superfluous and partly undesirable. It is superfluous for the reason that, as he himself admits in the body of the amendment, the matters to which it relates are at present under departmental control, and there is absolutely no reason for us to assume that steps will be taken, either in respect of the Police Department or any other Department, calculated to affect the efficiency and discipline of the working of the Department.

If it is merely superfluous, it is also undesirable for the reason that we start, as it were, with an expression of doubt as to the manner in which, and the motives and purposes for which, the future self-governing Government of a Province may work in respect of this Department or any other Department. Just as the noble Marquess has moved this amendment in respect of the police, other members may move similar amendments urging statutory provision with regard to other Departments, and the result will be a continuation of the present undesirable state of affairs where it is often seen that the Ministers are only the nominal heads, and the heads of Departments are the real heads. We do not want this to happen; we desire that the new Constitution should be started in an atmosphere of confidence; and, as I suggest respectfully to the noble Marquess, it may be the better part of wisdom to have that confidence and not to suggest clauses which are only suggestive of suspicion.

Mr. Jadhav : May I ask as a matter of information whether the noble Marquess contends that the present independence of the Police Department is not sufficient, and that more independence should be given, or that he intends that the present state under the Executive Council should continue.

Lord Zetland : No, my intention, as appears in the proposed amendment, is that the existing control should continue. I do not want to alter the existing position.

Mr. Jadhav : Then does he mean to say that the present interference by the Home member should continue in the hands of the Minister ?

Lord Zetland : Yes. All I want to secure is that the powers and position of the Inspector-General of Police as they exist at present should be secured to him in the future.

Mr. Joshi : My question is this. Lord Zetland proposes that the recruitment of police services should be in the hands of the Inspector-General. We hope to have a Public Services Commission. Does the noble Marquess desire the Public Services Commission to be deprived of the power of recruitment for police service ?

Lord Zetland : It depends. Of course, if there is to be a Public Services Commission in every Province, that will make a difference, and I agree, I think the recruitment should be done by the Public Services Commission.

Mr. Joshi : That would be one of the proposals which we would be making.

Chairman : I am only allowing questions; I am not allowing discussion upon this point. I have called upon this gentleman here to speak, but I was allowing two questions to be put. Now are the questions finished, because I cannot allow them to go on indefinitely.

Sir Chimanlal Setalvad : Sir, as you will remember, there was discussion in this Committee about the recruitment of the public services in the Provinces, and the general trend of opinion then was that the recruitment should be in the hands of a Public Services Commission. Therefore the Police force recruitment will be included in that scheme, and when we come to the proper place, we shall have to add, I submit, a paragraph about the recruitment of services in the Provinces.

Then as regards discipline and various other matters included in this amendment, I entirely agree with my friend, Mr. Chintamani, that the way in which the amendment has been drafted suggests doubt and apprehension that the Minister in charge of law and order will not deal with the matter in the right way, and if you lay down rigidly what has been put in the amendment, you will create from the start friction and want of confidence between the Minister in charge and the Inspector-General of Police, or whoever the authority may be. I hope, therefore, that Lord Zetland will not press his amendment. In all these matters, as I have already said, you have to take risks; you cannot safeguard every possible contingency. You have to take risks. There may be mistakes. In a certain way things may be done which may for the moment be undesirable; but, after all, when responsibility is put upon people they will in a very short time adjust themselves to the right conditions. I therefore am opposed to the amendment.

Sir A. P. Patro : I think this amendment is due to the desire that if law and order is transferred to the Provinces there should be some safeguard in reference to the Police Service which should not be subject to political influences. A Public Services Commission will no doubt be formed. In some Provinces such a body is already in existence. In my own Province it is in existence and is working. Whether recruitment to the Higher Services should be wholly entrusted to the Public Services Commission is open to some doubt, and that is being considered now in the Madras Presidency. The transfer of this power of recruitment to the Public Services Commission has not yet taken place, because it is desired first to make an experiment in regard to other Services in order to see whether the method will

prove successful. It seems to me that a certain safeguard is necessary so far as Provincial recruitment is concerned, and that the matter should continue to be, as it is now, with the Inspector General of Police. This is a special Department—a security department. Therefore, unlike other Departments I think some provision is necessary—subject to the control of policy and of conduct of the Minister in charge of Law and Order.

Sir Cowasji Jehangir : You mentioned that there was a Police Federation here. Am I to understand that the Home Member is not responsible for discipline in the Police Force in England, and that if any questions are asked in the House of Commons the Government does not take upon themselves the responsibility for disciplinary action, of if any injustice is done to a policeman and questions are asked they can absolve themselves of all responsibility ?

Lord Zetland : No. Ultimately, of course, the Home Minister takes responsibility. He answers questions in Parliament, but certain powers are delegated by him, in working, to somebody else.

Sir Cowasji Jehangir : The proposal can only mean one of two things—either to retain the powers which the Inspector General has to-day, or enhance them. Lord Zetland distinctly mentioned that he wanted those powers now vested in the Inspector General. I know of no section in the Act which vests any power in the Inspector General at present.

Lord Zetland : Yes ; he has his powers under the Police Act.

Sir Cowasji Jehangir : Under the supervision, control and direction of the Government.

Lord Zetland : Yes.

Sir Cowasji Jehangir : There are no powers vested in him overriding the control of the Government.

Lord Zetland : No. I am not asking that he should be given powers overriding the control of the Government. That would obviously be absurd.

Sir Cowasji Jehangir : Then you want the *status quo* to be ensured ?

Lord Zetland : Yes.

Sir C. Setalvad : Making him independent of Government, except as to policy ?

Lord Zetland : No.

Sir Cowasji Jehangir : You want the *status qou* to be maintained ?

Lord Zetland : Yes.

Sir Cowasji Jehangir : That is to say, that the new Minister shall have all the powers that the Home Member now has in India, in all Provinces ?

Lord Zetland : Yes.

Sir Cowasji Jehangir : Is that all you want ?

Lord Zetland : Yes.

Sir Cowasji Jehangir : Then I think the language of the amendment goes much further than that. It can be put quite simply—that the *status quo* should be maintained with regard to the powers vested in the Inspector General and the Executive Member at present.

Chairman : Let us be clear what it is that is being asked for : " The control of the Provincial Police in matters of recruitment, training, discipline and promotion should be secured, as at present, to the Inspector General by statute." It is desired to maintain the *status quo* by statute.

Sir A. P. Patro : I do not think the noble Lord insists on Statute.

Chairman : There it is ; it is by Statute. Then he goes on " The training and promotion of the Provincial Police Force now vested in the Inspector General should continue to be vested in him," and then " and that in the discharge of these functions he should be subject only to such control as may be necessary to ensure that the police administration of the Province conforms to the general policy of Government."

Dinan Bahadur Ramachandra Rao; I think Lord Zetland's amendment is altogether unnecessary. The policy has been to establish Public Service Commissions and gradually to transfer the recruitment of all the Services to those bodies so that there may be no political influence exercised by the Ministers in the selection of men for Public Service. If the Inspector General of Police should be made an exception to that general policy which is being followed in the Provinces it may be awkward. In Madras the Public Service Commission has already been appointed and the duty of recruitment to the Services in the Province, except the All-India Services, is being transferred to that body. I think that is the solution. As regards disciplinary action, I think it is now becoming the rule that before any disciplinary action is taken against any of the officials the opinion of the Public Services Commission is obtained, and the Local Government passes final orders in the light of that opinion. So that both in regard to recruitment and disciplinary action, the general policy which is now being followed in India is to leave these matters to an independent body apart from the Ministers, and to follow the advice of that body as far as possible. I think that if we now introduce this amendment it will act against the policy which the Local Governments are now following. The constitution of Provincial Public Services Commissions has been recommended by the Simon Commission, and I think that these matters ought to be left to the Provincial Public Services Commissions.

Dr. Shafa'at Ahmad Khan : I am in favour of the principle underlying this amendment, but I should like to make one suggestion to the noble Lord. The Conference, I believe, will appoint a sub-Committee on Services. This is a question which demands very careful and thorough attention. It is a question concerned not only with the Provincial Services, but also with the Imperial Services. There may be some persons who would like this suggestion adopted not only in the case of the Police Services but in the case of Executive Civil Services. I submit, therefore, that the whole question should be threshed out when the sub-Committee on Services is appointed. I believe that is the proper place for a discussion of this nature.

Mr. Zafrullah Khan : I am in favour of the amendment to this extent—that so far as the first part of the amendment is concerned, that is to say, that the powers in these matters mentioned in the amendment, which are at present exercised by the Inspector-General of Police, shall continue to be vested in him, subject to the proviso " except in so far as any of these powers may, at any subsequent stage, be transferred to, or vested in, a Provincial Services Commission."

Sir A. P. Patro : You do not want statutory permission, do you ?

Mr. Zafrullah Khan : No. I am coming to that. Secondly, that this reservation in favour of the Inspector-General should be secured by orders made under the Statute, and not by provision in the Statute ; because if we start allowing these provisos and other things to be put into the Statute, many other things will be insisted upon as being incorporated in the Statute, which will make the Statute absolutely unworkable, and certainly very voluminous. Thirdly, with regard to the second part of the amendment—that the exercise of these powers by the Inspector-General of Police shall not be controlled by the Government except in so far as may be necessary to secure conformity to the general policy of the Government—I should like to put it in another way ; that is to say, that the Member in charge, or the Local Government, shall not interfere with the discretion

of the Inspector-General of Police in these matters, or the exercise of powers by that gentleman, except to the extent to which the Home Member is at present entitled to interfere. That will secure that the existing state of affairs shall continue. On the one hand, the powers of the Government of interference in these matters will not be curtailed; and, on the other hand, doubts will be set at rest that they will not in future be enlarged or extended.

Chairman : Perhaps I ought to say, for the information of the sub-Committee, that the Prime Minister has already provisionally appointed a sub-Committee on Services, and he will probably say something on the matter at the full meeting to-morrow. I do not know whether we have discussed this matter sufficiently, or whether Lord Zetland would like to say anything in view of what has taken place.

Lord Zetland : There is only one thing I would like to say, and that is with regard to what Sir Chimanlal Setalvad and Mr. Chintamani have said, namely, that this was casting suspicion upon the possible conduct of the Minister. Certainly it is not intended to do that in any degree. The Home Member in this country does not consider that a reflection is cast upon him by these provisions which are made over here for securing to the Head of the Police Department the exercise of certain powers; and if the Home Secretary over here does not feel that a reflection is cast upon him, I cannot understand why a Minister in India should feel that a reflection was cast upon him. At any rate, do let me say that I have not the smallest desire to cast any reflection of that kind. Mr. Chairman, it seems to me that there is a fair amount of support at any rate for the principle for which I am contending, and I must leave it to you, Sir, to decide what the views of the sub-Committee are.

Chairman : If I have gathered the sense of the Meeting, there is a fair amount of support for the suggestion that the matter should be allowed to go to the Services sub-Committee. That is the feeling, I think.

Sir Robert Hamilton : May I ask whether it would be possible just to make a reference to the Police here, and say that we are of opinion that questions relating to the Police should await the decision of the Services sub-Committee—just to show that it has not been overlooked?

Chairman : We might add a foot-note at the end of the Report saying that the matter of the Police was raised but that it was thought that any further conclusion on it should be deferred until the Report of the Services sub-Committee was known. Would that meet the case? If Lord Zetland would be prepared to leave it in that way he would still have a further opportunity to raise it in the larger body, if he were not satisfied. We could agree upon a suitable foot-note. It would still keep the matter open, and you could raise it at a subsequent stage.

Lord Zetland : Very well, as long as it is made clear that I am not abdicating my rights to press this point.

Chairman : No. It is left open in the way of a foot-note, and you can reserve your right to raise it at the final stage of the proceedings. I think we might agree to pass on on that understanding.

Mr. Chintamani : I want to understand whether the foot-note you propose to add to this sub-Committee's Report about the Noble Lord's amendment will merely state that the question was raised, or will indicate the nature of the amendment that has been moved.

Chairman : I thought I had put it quite clearly. A foot-note will be put at the end of the Report saying "The question of the Police was raised, but it was decided to await the Report of the Services sub-Committee in the matter." I think that is quite clear. If there is no other suggestion that means that we accept Paragraph 4 as part of the Report.

Now Paragraph 5. "The composition of the Provincial Executives." "(*a*) Joint Responsibility—The sub-Committee recommends that there should be unitary executives; and that the individual Ministers composing the executive should be jointly responsible to the legislature." I think we had better take that section by itself. Are there any remarks.

Raja Narendra Nath : I give my support to what has been proposed as regards responsibility, but my view may require reconsideration after the Report of the Minorities Committee has been received.

Chairman : Thank you. With that explanation, may we pass on?

(Agreed.)

Chairman : "(*b*) The appointment of Ministers—The responsibility for appointing Ministers will rest with the Governor. The sub-Committee is of opinion that in the discharge of that function the Governor should ordinarily summon the member possessing the largest following in the legislature, and invite him to select the Ministers and submit their names for approval. The Ministers should ordinarily be drawn from among the elected members of the provincial legislature. In the event of the appointment of a non-elected non-official, such person should be required by statute to secure election to the legislature (and if the legislature be bicameral, to either chamber) within a prescribed period not exceeding six months, but subject to this limit he may be nominated by the Governor to be a member of the legislature. The sub-Committee is of opinion that there should be no discretion to permit the appointment of an official to the Cabinet."

I have received notice of two amendments. One is by Mr. Fazl-ul-Huq.

Sir C. Setalvad : I have an amendment to make; it is not a very big one. The sentence at present runs "The sub-Committee is of opinion that in the discharge of that function the Governor should ordinarily summon the Member possessing the largest following," etc. I would substitute the words "wherever practicable" for the word "ordinarily".

Chairman : Is there any desire to make that small change?

Mr. Fazl-ul-Huq : I propose that we delete the words "and invite him to select the Ministers and submit their names for approval", and in lieu thereof to substitute the words "as well as the leaders of important groups, and take their suggestions into consideration before making his final selection". As I read this paragraph, it is the intention of the sub-Committee to suggest that there should be a following of the procedure which takes place in England—where the Prime Minister is asked to select his colleagues as Members of the Cabinet. I am opposed to that idea.

There is no doubt that in this sentence it is provided that the Governor shall appoint Ministers, but the very last words seem to suggest that after the member with the largest following has been summoned he will be invited—I emphasise the word "invited"—to submit names. I feel that in the course of time this discretion will crystallise into a custom. My apprehension is that for many years to come in the Legislatures we shall have groups based on communities rather than on differences of political opinion, and there have been cases in which the leader of a particular group, amounting to over 70 per cent. in the House, has refused the suggestion of the Governor to take a Minister from the other group. At present there are officials and other interests in the Chamber and a large number of nominated members, so that the wishes of the Governor are more likely to be respected now than in the days to come when there will be no official bloc and practically no nominated members. The leader of the largest following in the House would then have an absolute discretion to make his own selection and to ignore the claims of everybody else.

For this reason I wish that after the elections are over the Governor, just as he will have the responsibility of appointing the Ministers, will ordinarily summon the member with the largest following, but will also consult the wishes of the leaders of important groups. No doubt he will have to give the greatest possible weight to the opinion of the person with the largest following in the House, but apart from that I should not lay down anything in the Statute or in the recommendations we may make here which would suggest that not only as a matter of ordinary practice, but almost as a matter of course, when the person with the largest following is summoned he should be asked to make selections and suggest names for approval. It is for that reason I suggest this amendment.

Chairman : I ought to say that in this matter I followed very carefully what I thought was the sense of the sub-Committee as revealed in the discussions.

Raja Narendra Nath : I support this amendment.

Chairman : The amendment is that as well as the leader of the largest following the Governor should consult the leaders of important groups.

Sir A. P. Patro : I agree with my friend that parties cannot be formed now on political principles, and there is a difficulty in forming clear-cut political parties in the Legislative Councils. We must make an attempt, however, to see that parties are formed on a political basis and not always on this most troublesome basis of communities. In order, therefore, to make a beginning it is necessary we should ask wherever it is practicable, or ordinarily, the leader of the group with the largest number of representatives in the Council should be called on to form the Ministry. In forming that Ministry, as Mr. Fazl-ul-Huq knows, in Bengal and elsewhere the person called on to suggest names will be most imprudent if he does not consult other groups and leaders in submitting names. As a matter of practice it is done in every Presidency ; when a Minister is called on to suggest names for his colleagues he consults other groups and other leaders and takes them into his confidence, and then submits the names to the Governor for confirmation and appointment. In practice, therefore, that is being done, and I am sure my friend will not press his amendment, because it is quite unnecessary in the ordinary course of things.

Chairman : May I remind you that in the next paragraph we say : "The sub-Committee considers it a matter of practical importance to the success of the new constitutions that important minority interests should be adequately recognised in the formation of the provincial executives." Surely any Chief Minister would be acting most indiscreetly if he ignored this, and this will be part of the constitution.

Mr. Fazl-ul-Huq : I did not overlook that, but as a matter of fact I am going to move an amendment to that, and if that is accepted I shall not press for this amendment. The amendment I propose to move to clause (*c*) is to omit the words " to endeavour " so that the sentence will read " An obligation to secure such representation should be expressed " and so on. I want to delete the words " to endeavour " because " to endeavour " may mean nothing.

Chairman : Do not you think, after the explanation which has been given, you can trust us until we get down there ?

Mr. Fazl-ul-Huq : If the words "To endeavour" are left out I might not press for this amendment.

Chairman : We will try to help you when we get there.

Raja Narendra Nath : The amendment proposed will be productive of no harm.

Chairman : I am more concerned to be convinced that it will do some good, if I have to change my report.

Mr. Chintamani : As it is suggested this amendment might be withdrawn in view of the sentence to which you have drawn attention, I think it fair to state that I am going to move an amendment for the deletion of that sentence when we come to that part of the report.

Sardar Sampuran Singh : I think instead of taking this point at this stage we might leave paragraph (*b*) and make a provision that this will be subject to the recommendations of the Minorities sub-Committee.

Chairman : In a sense that is so, because, as I have pointed out more than once, everything depends on fitting in what we do to the whole scheme, and we have to trust each other until we see the whole scheme before us.

Sardar Sampuran Singh : What I am afraid of is that if that provision is not particularly mentioned it may be taken that this is passed by this sub-Committee unanimously, whereas it is, of course, subject to fitting in to the general constitution. I think the same provision which is made in connection with paragraph (*a*) should be made in connection with paragraph (*b*), and that we should say that this is subject to any recommendations which the Minorities sub-Committee may make about this, so that that sub-Committee, when considering these things, may not be prejudiced by the view that this has already been considered by this sub-Committee.

Mr. Wood : I am in complete sympathy with the remarks of Mr. Fazl-ul-Huq, but I am inclined to think he will yet find his salvation in a properly constituted Second Chamber, which can, I feel sure, if properly constituted look after the interests of minorities. With all due deference to Mr. Fazl-ul-Huq, I think it is for him to see that when this question of Second Chambers comes up he is able to suggest a constitution whereby the minorities shall have a chance when subjects are referred to the upper Chamber from the lower which affect minority interests.

Chairman : Will Mr. Fazl-ul-Huq wait until we see if anything can be done for him on paragraph (*c*) ?

Mr. Fazl-ul-Huq : Yes.

Raja Narendra Nath : The provision made in paragraph (*c*) does not really cover the idea which Mr. Fazl-ul-Huq has put forward. The representatives of the majority community will be selected by the Chief Minister, and the Governor will be bound to take a man who represents a minority community ; but whether that man would be acceptable to his group is a different matter, and it is on that point that Mr. Fazl-ul-Huq is laying stress.

Chairman : We understand that, but we must trust the Chief Minister, on whom there is going to rest the responsibility for seeing that effect is given to the sense of paragraph (*c*). If that is in the constitution, he would be a very imprudent Chief Minister if he did not give most serious consideration to it.

Raja Narendra Nath : Sometimes there have been imprudent Chief Ministers.

Chairman : The next amendment is by Lord Zetland.

Lord Zetland : This is a small amendment which I desire to propose in line 10 of paragraph (*b*). Line 9 reads : " In the event of the appointment of a non-elected non-official, such person should be required by Statute " and so on. My proposed amendment is to insert after the words " such person " the following words : " unless already a nominated member of either Chamber."

The object of that amendment is this. We are proposing in a later paragraph that various minorities should as far as possible be given an opportunity of serving on the Executive. It is admitted that, in some Provinces at any rate, for some time to come Labour will be represented in the Legislature only

by nomination. In those circumstances, if you wish to appoint a representative of Labour to your Executive it would only be possible to appoint a nominated person.

With regard to the Upper Chamber, in the case of those Provinces where it is decided to have an Upper Chamber, it seems to me it would be very desirable that discretion should rest with the Governor to appoint a nominated member of an Upper Chamber in certain circumstances to the Ministry.

That power, of course, is freely taken advantage of in this country and is found to be of very great value. It will be within the recollection of the members of this sub-Committee that it was desired some years ago to appoint an Indian gentleman to the Government in this country, the late Lord Sinha. It was not considered necessary here that the late Lord Sinha should become an elected member of Parliament. What was done in order to get over that ? He was nominated a member of the House of Lords, the Upper Chamber.

A Member : He was created a peer first.

Lord Zetland : I quite agree. In other words, he was nominated by His Majesty to the Second Chamber, and he was then made a member of the Government. It seems to me that power, which exists in this country, ought to exist also in the case of the new constitution in India, and it is for that purpose that I propose to add these words.

Chairman : The amendment is to line 10, sub-section (*b*), under the heading " Appointment of Ministers," after the words " such person " to insert " unless already a nominated member of either Chamber." Does anyone desire to speak on that ?

Mr. Jadhav : I am afraid, with all due deference to the noble Lord, I must oppose this amendment ; it is bringing in an outsider by the back door, if not by the front one. If a man cannot get himself elected to the Legislative Council and if he is *persona grata* with the Governor and the powers that be, it will be quite easy for the Governor to nominate him to represent any interest. In fact, we have seen in the Council of Bombay a capitalist nominated to represent Labour !

Lord Zetland : You have misread my amendment, which says " unless *already* a nominated member." He would not be nominated for the purpose.

Mr. Jadhav : He would first be nominated as a member of the Council and then taken into the Ministry on the strength of that nomination. I do not think this sub-Committee will give an opportunity to the Governor or to any of the authorities there to manipulate things in that way.

The analogy drawn by the noble Lord with regard to the raising of Lord Sinha to the peerage is not on all fours with what is suggested here. England enjoys a constitution under which His Majesty has been empowered to create Lords ; but that is quite different from the nomination of a member to the Legislature. The nomination there is for a limited period, but the nomination here to the peerage is from generation to generation ; it is not confined to a small number of years but is of a permanent character ; and therefore His Majesty will take very great care that only fit and proper persons are raised to the peerage. In the case of the nominations now suggested, on the other hand, they will be at the most for four or five years, and therefore there will be no such responsibility. If this amendment is carried it will lead to complications and will strike at the root of the very principle of responsible government by elected members of the Legislature.

Mr. Chintamani : I regret that for the second time I have to oppose an amendment moved by the noble Marquess. It is discouraging to find that both the amendments he has moved to-day are of a restrictive nature, intended to whittle down the value of the scheme we are going to recommend. The sense of the whole scheme is that there should be responsible government in the Province and that a member of the Government should be a person in whom the people have shown their confidence by sending him as an elected member to the Legislature, or, if he is not when appointed an elected member, he shall be required within six months to get himself elected, or he will lose his office.

Instances have been known to occur in India—and the noble Marquess cannot be a stranger to them—of the Government nominating as members people who have received a sound beating at the polls. There will be nothing, if we are not careful, to prevent a repetition of such a scandal ; we may have persons who are defeated at the polls nominated as members and then becoming Ministers. If that possibility is open there will be no real value in the scheme we are going to recommend.

Mr. Joshi : I am entirely against this proposal to appoint nominated members as Ministers, and incidentally I may say I am also against the other proposal that the Ministers should be nominated to the Legislature. My objection to the first suggestion is that all these proposals will create a sort of friction between the Chief Minister and the Governor, whenever the Governor attempts to bring in people who are not desired by the Chief Minister.

With regard to the very noble wish of Lord Zetland that interests like Labour should be represented on the Executive, I have absolutely no doubt that with his help and sympathy we shall frame a constitution by which Labour interests will be represented in the Legislature by election, and I am sure he will support the proposals I shall make in that behalf.

Sir Cowasji Jehangir : May I point out that the analogy which Lord Zetland has brought forward is correct only with regard to the Upper House, but nobody can become a Minister and be a Member of the House of Commons unless he is elected. The analogy only applies to the Upper House. Therefore, if any Province desires to have an Upper House, and it is also provided that there shall be nominated members, it will be difficult for us to consider whether those nominated members should be allowed to be appointed Ministers. But if in the Lower House you have nominated members becoming Ministers, there is no analogy for it either here or in India, for members to-day are not allowed to be appointed Ministers unless they are elected. That is the Constitution to-day.

Lord Zetland : Within six months.

Sir Cowasji Jehangir : Within six months, yes ; that is another provision altogether. You want them to be made Ministers, even though they are nominated. That is quite a different matter altogether. Of course in every Constitution, including this country, a man can be made a Minister, and then if he is elected to the House of Commons, well and good ; while if he is not elected to the House of Commons, very often he has to give up office. If the analogy is to be any good it should be considered only when Second Chambers are being considered, and not at this stage I think.

Mr. Zafrullah Khan : Sir, with certain reservations, I support the amendment put forward by Lord Zetland. The first reservation is the provision that the nomination should not have been made in contravention of the recommendation which this sub-Committee proposes to make under paragraph 7 (*c*). That is one reservation. That means that the member shall have come into the Legislature normally already. Supposing the representation of certain interests in a particular Provincial Legislature is considered to be desirable, but it is found that it is not practicable, to begin with at any rate, to group them together into constituencies, and a certain amount of restricted power of nomination is still left to the Governor, those interests being represented by members who are nominated, there is no reason why our recommendation with regard to the Constitution of the Executive should definitely exclude

this, that any such member who represents a particular interest in the Province as much as any of the elected members, should never form a member of the Executive.

Lord Zetland : That is the whole point.

Mr. Zafrullah Khan : Once he has been nominated to represent a certain interest, then, while representing that interest in the Legislature, he should be as much eligible to be a Minister as anybody. That is the first reservation. As a matter of fact, that is the only reservation ; that in that sense the Governor should not have power to nominate anybody he chooses to begin with, and then have a tussel, as it were, with the Chief Minister to have his nominee included in the Cabinet. If the nomination has been in the normal course under that restricted power which the Governor should have, then such a member should be eligible to become a Minister. And if that reservation in course of time disappears, or it is not necessary to exercise it, naturally this provision will have to go ; there will be no such member of the Legislature and there will be no possibility, therefore, of putting him in.

I want to make just one remark with regard to the analogy that has been discussed with regard to the Constitution in this country. Here, of course, one knows that the Prime Minister first decides that it is necessary to have somebody who is not already a member of the House of Commons or of the House of Lords, and then, on his recommendation, such person may be created by His Majesty a peer. That is the chief distinction. If the discretion be left to the Governor to appoint a person as a Member of the Legislature, merely with a view to having him appointed a Minister, that certainly would not be in accord with the practice here, because then it would be the Governor who would desire to include that man in the Cabinet and would try to force him on the Prime Minister. Here it is the Prime Minister who, having decided that he wishes to have a certain colleague who has not been able to secure election to the House of Commons, approaches His Majesty with the request that he shall be created a peer.

Chairman : But I think the last point you have made will not come under this amendment.

Mr. Zafrullah Khan : No. I say, provided the amendment is restricted in such a way as is proposed under paragraph 7 (c), I have no objection.

Chairman : The amendment lays it down that unless he is already a nominated member, he cannot be nominated for the purpose. I only want to clarify the position.

Sardar Sampuran Singh : I also rise to support the noble Marquess, though on another ground. Though I agree with my friend that at least there has been an effort to make out this point, that because there may not be any Upper House in some of the Provinces, therefore this analogy of the English Constitution will not apply, personally I think this amendment is necessary just for this reason, because there will be no Upper House in some of the Provinces. That means that certain interests which may perhaps be very important might not be represented in the Lower House, simply because those people are supposed to be a little out of the common run of the people, and Provinces will be deprived of the benefit of their services on account of that reason. For example, there are landed interests, landed gentry, and so many other people who have a lot of experience ; there are old servants, members of the legal profession and so many other people who may be very highly qualified to serve their Provinces, but just because they do not happen to be in touch with the general electorates have not succeeded in getting into the House ; whereas, if there were an Upper House, they would perhaps be the fittest and most likely people to be in that Upper House. For the reason that there are not going to be Upper Houses in several Provinces, it is necessary that such nominated members should in some cases be appointed Ministers.

Sir A. P. Patro : Sir, I am constrained to oppose this amendment on the ground that it defeats the very principle of responsibility in the Provinces, knowing as we do how nominations are manipulated in the Provincial Legislative Councils and the class and quality of persons who are nominated.

Dr. Ambedkar : Are you opposed to nominations throughout ?

Sir A. P. Patro : No, I support nominations. When we have got this vicious system, then I think this provision will lead to a great deal of mischief. It may be that an individual, however estimable he may be, is not able to come in by the direct door of election ; then he may be put into the Legislative Council by the indirect method of nomination. If a person is so important, so able, so representative, that he could certainly fight an election and come in by the direct door of election, if he is only nominated to the Legislative Assembly and takes his seat as a nominated member, whom does he represent ? A ministry formed with such a nominated member will be an anomaly, because there may not be harmony between the nominated member and the other members who are elected as ministers. Therefore, to avoid friction and to avoid trouble, it seems to me that the advantages are in favour of the omission of this provision of the amendment. The introduction of this provision to my mind will certainly lead to confusion and a great deal of friction in working the Constitution. If the nominated member is to be imposed on the ministry, then the ministry will be in a difficult position. If an unwilling partner is taken into the partnership, you know what the result will be in the end when the partnership is working. Therefore it seems to me prudent that we should not press this amendment.

Mr. Barooah : Sir, if this amendment is accepted I am afraid it will probably have the effect of creating a little anomaly. The words are : " In the event of the appointment of a non-elected non-official." Now that means an official who has been nominated by the Governor. Now if we add the words " unless already a nominated member," as suggested by his Lordship, it will be open to the Governor to appoint to the ministry either a person whom he has already nominated or whom he will nominate after the election and at the time of the formation of the ministry. I really cannot understand why a person who is nominated by the Governor at the time of the formation of the ministry should be required to secure election after six months, while all the men who have been elected only a few days earlier should not be required to secure any such election. I hope I am making myself clear. What I mean to say is that if these words are added it will mean that if the Governor appoints to the ministry a person after an election is over, after he has made his nominations, that man will have to secure election ; but in the case of the other man, if he happens to be a member who has already been nominated by the Governor, his Lordship wants to exempt him from securing election. There is clearly an anomaly in this and I therefore oppose it.

Sir Chimanlal Setalvad : Sir, I am entirely opposed to this amendment. I agree with my friend, Sir A. P. Patro, that it strikes at the principle of responsibility. The whole suggestion in this behalf has been based on paragraph 7 (*c*) under which power is proposed to be given to the Governor to nominate certain persons if certain interests are not represented by the election. Now with regard to that, Sir, when we come to that clause 7 (*c*), I propose to move an amendment, which, if accepted, will remove the difficulty that Lord Zetland is feeling. As paragraph 7 (*c*) stands, it runs in this way : " With the possible exception of a strictly limited proportion of non-officials who may in some Provinces require to be nominated by the Governor to secure the representation of groups unable to return their own members through the polls—." What I propose, Sir, is this : " If in the opinion of the Governor any minority or

interest has failed to secure representation by election, the Governor may direct the Council to supply the deficiency by co-option—."

Members : No, no.

Sir Chimanlal Setalvad : So that the interests left out will come in, not by nomination, but by co-option by the elected members of the Council. If a member comes in in that way, then there may be no difficulty ; the moment he is co-opted, he stands on a par with the elected members, and then he may be taken into the ministry if the Governor so desires.

Sir A. P. Patro : You will give power to the majority party to co-opt their own creatures.

Sir Chimanlal Setalvad : I am only making a suggestion which you may accept or not accept ; but if you do not accept what I am suggesting with regard to paragraph 7 (*c*), then I am entirely opposed to the proposal made that the Governor may nominate a member and that member may be taken into the ministry ; that is striking at the root of the whole principle of responsibility and we cannot accept it.

Dr. Ambedkar : Sir, I should like to make one or two observations on the amendment which the noble Marquess has moved. I should like to state at once that the position which he has taken up seems to me to be absolutely logical. In this report we are going to provide that certain interests and minority groups may be represented by nomination in the Legislative Council. At the same time we are also making provision in this report that the Governor shall be given an obligation to endeavour to secure that his Cabinet shall be representative of all interests and of all minorities. Now, Sir, unless you provide that in the making up of this Cabinet, the Governor shall also have the right to include members who represent certain important interests by nomination, it seems to me that you are creating an absolutely illogical position. Either you must provide that there shall be no nomination to the Legislative Council at all, that all interests, no matter how minute, shall be secured by election to the Legislative Council, or, if there is to be nomination then you must provide that a nominated member shall have the right to be in the Cabinet if his colleagues are prepared to work with him on the principle of joint responsibility. There is no escape from one or other of those positions.

Now, Sir, it is stated by friends who are sitting on this side that if we accept this principle, that a nominated member shall be a member of the Cabinet, or at least that there shall be no ban upon him, it will run counter to the principle of responsibility. I really cannot understand that position. These gentlemen who are saying it will run counter to the principle of responsibility are prepared to take the votes of nominated members. I am taking the report as it stands ; I do not know what future amendments there will be. Supposing the report as it stands is carried, that there shall be certain members in the Legislative Council who shall be nominated, is it the position of these gentlemen that their votes are illegal ? If those who form the Cabinet who are drawn from the elected portion of the House can validly use the votes of members who are nominated to the Legislative Council, if those votes can logically become the basis of the policy of a Government, I cannot see how a member who is one of that nominated group should not become a member of that Cabinet. I fail altogether to understand it. If, as I say, they can take these votes of nominated members and utilise them for their own purposes, I cannot understand what objection there can be to the inclusion of a member from the nominated group in the Cabinet. I therefore say the position of the noble Marquess is perfectly logical. It seems to me we have to make a choice whether we shall make a provision of the sort suggested by the noble Marquess in his amendment, or whether we shall agree to the other proposal which my friends say they will move at a later stage, that there shall be no nominative element in the Legislative Councils at all. Personally I would much rather have the whole Legislative Council elected with no trace of nomination at all. From that point of view I am not very much in favour of the amendment suggested by the noble Marquess ; but if in this Committee or at any later stage nomination remains, then I think I shall have to agree with the noble Marquess and accept the amendment he has proposed.

Diwan Bahadur Ramachandra Rao : I must express my surprise at the speech to which I have just listened.

Dr. Ambedkar : You may, but you cannot have it both ways.

Diwan Bahadur Ramachandra Rao : He knows very well that even under the existing system nominated members are not eligible for appointment as ministers. Section 52 clearly lays it down that no minister shall hold office for a longer period than six months unless he is an elected member of the local Legislature.

Dr. Ambedkar : That is in the melting pot.

Diwan Bahadur Ramachandra Rao : During the last ten years my friend knows very well that important interests were represented by nomination ; nevertheless, under the requirements of the Act passed ten years ago, all ministers were drawn from the elected portion of the House. It seems to me, Sir, that to go back now and appoint a nominated person as a minister would really be destroying the whole principle of responsibility and discrediting the Reform scheme which is contemplated as a whole. We are looking forward to the time when nominations will disappear, and even under the future Constitution the portion nominated will be so small that for practical purposes we should omit it for the present and not stick to logic which has been expounded by Dr. Ambedkar. It seems to me that once you introduce a nominated minister who does not seek election, whatever you may do, this scheme is bound to be rejected by the country.

Mr. K. T. Paul : I must remind my friend, Mr. Ramachandra Rao, that in practice the Governor has secured representation of important minorities through nomination in a Cabinet by appointing them members of Government. Now that system is to go and we are to have only ministers.

Diwan Bahadur Ramachandra Rao : You mean members of the Executive Council ?

Mr. K. T. Paul : Yes.

Diwan Bahadur Ramachandra Rao : That is another matter.

Mr. K. T. Paul : For instance, the community my friend represents has been brought into the Cabinet of Madras through the Executive Council. Similarly the Muhammadan community has been brought into the Cabinet in that way in Madras, But now we have to have a Cabinet consisting only of ministers. If that is so, my position is precisely that of Dr. Ambedkar. I am not in favour of any nomination ; but if there is to be nomination and it is to be permitted as a practical necessity, then I do not see how it will be right to place any disability on the Governor appointing to the Cabinet nominated members.

Lord Zetland : Mr. Chairman, Mr. Chintamani was kind enough to say he regretted that once more he had to oppose my proposed amendment. May I say I share his regret, for I greatly value his support.

I have an uncomfortable feeling that Mr. Chintamani looks upon me with a certain measure of suspicion. He always seems to be looking in my amendments for something which is not actually there. This amendment of mine surely is a very simple one, and it is, as Dr. Ambedkar has pointed out, a perfectly logical one. My object in moving this amendment has been most lucidly explained both by Mr. Zafrullah Khan and by Dr. Ambedkar. It does seem to me to be a ridiculous position that you should have a member of a Legislative Council nominated but because, owing to certain circumstances to which we need not now refer, it is not

practicable that he should secure election. It seems to me ridiculous to have such a man, equal in every other respect with every other member of the Legislative Council, and yet to say to him, " No, because you cannot secure election you shall not be eligible to be a member of the Government." It seems to me that that position is wholly illogical, and both on the grounds of expediency and of logic I do venture to ask the sub-Committee to accept this very small and innocuous amendment.

Mr. Joshi : I think it would be better to postpone this until the question of nomination is decided upon. If we agree not to have any nominated members, this will fall through.

Lord Zetland : If there are to be no nominated members this will be a dead letter, and it will not do any harm.

Chairman : As Mr. Garvin said yesterday, the House is divided. I do not mind putting in a note. There is really a serious division in the Committee. I do not want to settle these points to-day by taking a show of hands, if I can avoid it. I do not think that is the right thing to do. We might leave it over till a little later to see what the Report is like. Then we might agree upon some method of dealing with the question, either by following the precedent, which we have established, of a foot-note saying that a section of the sub-Committee were in favour of so-and-so, or by some other method. At the moment there is a clear division, and I think the best way is to postpone further consideration until we have gone through the Report. Then we will return to it. Is that agreed ? (*Agreed to.*)

Lord Zetland : With regard to the last sentence in sub-section (*b*), I am not going to ask the sub-Committee to accept an amendment by the deletion of those last two and a half lines, because I realise that the sense of the vast majority of the sub-Committee is against me, and in those circumstances I do not wish to waste the time of the sub-Committee. I shall have to ask the Chairman just to say that I dissent from the last sentence.

Sir Robert Hamilton : I associate myself with that.

Chairman : We will have those two dissents noted in the Report. " (*c*). Group or communal representation in the Cabinet. The sub-Committee considers it a matter of practical importance to the success of the new constitutions that important minority interests should be adequately recognised in the formation of the Provincial executives. An obligation to endeavour to secure such representation should be expressed in the Instrument of Instructions to the Governor."

Mr. Fazl-ul-Huq: I propose to delete the words " to endeavour." Everything depends on the spirit. If the spirit is wanting, any endeavour will fail.

Chairman : Is there any objection to the deletion of these two words ?

Mr. Chintamani : Yes. I have an amendment. I propose that the second sentence be amended. It now reads, " An obligation to endeavour to secure such representation should be expressed in the Instrument of Instructions to the Governor."

Chairman : One moment. Do you deal with the third line from the bottom—" An obligation to endeavour "—because if not I can take your amendment after that.

Mr. Chintamani : I will read my amendment, and then you will decide : " An obligation to endeavour to secure such representation need not, however, be expressed in the Instrument of Instructions to the Governor, as no Chief Minister can ignore any important minority in recommending this to the Government."

Chairman : I think, strictly speaking, that that comes later. The amendment now before the sub-Committee is the deletion of the words " to endeavour." It would then read, " An obligation to secure such representation should be expressed in the Instrument of Instructions to the Governor." The question before the sub-Committee is the deletion of the two words " to endeavour." Do you agree to that. (*No ! No !*) Very well. Does anyone wish to speak against the deletion of these words ?

Mr. Chintamani : I speak against the deletion of these words without prejudice to what I am going to say in moving my own amendment. Assuming that a mention of this obligation in the Instrument of Instructions is considered essential or desirable, then it is more prudent and less objectionable to retain the words " to endeavour " rather than to delete them. If you retain them the effect will be that the Governor and the Chief Minister will make every possible endeavour to secure a suitable representative of the minority communities, and if they should fail they will fail in spite of the best endeavours. If, however, you delete these words, any sort of man to represent the minority communities, whether he may or may not be in agreement with the general policy of the rest of the Ministers or whether he may or may not be able honestly to share the responsibility with them, will be appointed because of this obligation. The result will be administrative confusion. Therefore, of the two evils, the lesser will be to keep in the words " to endeavour."

Mr. Joshi : I think the omisson of these words may be found in some cases to be inconsistent with the joint responsibility. If the Governor does not secure a man who is willing to share the joint responsibility with the others, he cannot be under an obligation to secure a man. If he is under an obligation to secure a man, he must also be under an obligation to make that man responsible, but certainly he has no power to make the man agree with certain others. Therefore, if these words are to be retained, it can only be an endeavour. He cannot be sure of securing a man who will be bound to work with others with whom he may not agree. Therefore, the words " to endeavour " must remain. I may also suggest a small amendment myself, namely, that the word " direction " should be substituted for the word " obligation "—" A direction to endeavour".

Lord Zetland : May I say how happy I feel to think that at any rate on one occasion Mr. Chintamani and I are in full accord, though let me also add that the fact that I am in full accord with Mr. Chintamani necessitates, to my regret, that I should find myself at issue with a very old friend of mine, Mr. Fazl-ul-Huq ; but I really think that the most you can require the Governor to do is to endeavour to secure this representation. Obviously it would be quite impracticable to say that in all circumstances he shall secure the representation of these different minorities. If you were to do that, the whole idea of appointing a Chief Minister in a province where parties rather on the lines of parties in this country have developed, and consulting with him as to the appointment of your Cabinet, would be undermined and fall to the ground. Therefore, I feel I must support Mr. Chintamani in his objection to this amendment.

Sardar Sampuran Singh : I rise to support my friend Mr. Fazl-ul-Huq. The words " to endeavour " are proposed to be deleted not in order to weaken the hands of the Governor, but really to strengthen his hands. We are making this constitution with the view in front of us that eventually the Chief Minister will be making the Cabinet, and not the Governor. By making this provision in the Statute we are strengthening the hands of the Governor to interfere in such matters so as to get the minorities represented. If, on some occasions there is possibly a weak Governor, and he does not use his full influence in getting the minorities represented, and the other side say to him " You are only to endeavour ; it is not binding on you by Statute ", he might give in ; and for the future there might be a sort of custom established that the minorities might go unrepresented on the Cabinet. Therefore, when Mr. Fazl-ul-Huq asks for the removal

of these two words " to endeavour ", it is really in order to strengthen the hands of the Governor, so hat if at any time he is pressed by the people about him he will not have to give in, but will always be able to stand on the strength which he gains from the Statute to see that the minorities are represented in the Cabinet.

Chairman : I think you ought to reply now Mr. Fazl-ul-Huq. I think we have discussed this point sufficiently.

Mr. Fazl-ul-Huq : We are not proposing to frame our recommendations in the expectation of how things should be, but in recognition of facts as they are. It is extremely unpleasant that I should bring forward a suggestion of this character which seems to suggest that I am more or less reactionary in my temperament, and that I am trying to put spokes in the wheels of a complete democracy for which India is now striving. Only the other day my friend Sir Cowasji Jehangir remarked that the demands of the Muhammadans are extravagant.

Sir Cowasji Jehangir : I never said so.

Mr. Fazl-ul-Huq : If Sir Cowasji Jehangir knew how the Muhammadans and other minorities are sometimes treated by their own countrymen I do not think he would have gone so far as to make a remark of that character. I put it to Mr. Chintamani : the idea is to have a Chief Minister or Prime Minister who will make the selections, submitting the names to the Governor with a view that ordinarily these names shall be accepted for appointment to the Cabinet. Supposing Mr. Chintamani comes at the head of a group of 70 per cent. of the members of the Legislative Council, and he chooses to ignore absolutely the other 30 per cent., there is no doubt that in the Instrument of Instructions to the Governor there should be an endeavour to have the 30 per cent., or some one of the 30 per cent., represented, but if the spirit is wanting any endeavour will be futile. It is with a view to providing for such cases—and such cases have occurred in many Provinces in which interests which ought to have been properly represented have not been represented at all—that I make this proposal. Considering it along with the other proposal which I have put forward, the net proposal comes to this : after the elections are over, the responsibility for appointing the Ministers shall rest with the Governor. What I am suggesting is that in the discharge of that responsibility the Governor shall not merely consult the person who may have the largest following, and shall not merely make an endeavour to secure the representation of important minority interests, but shall see that such minority interests are recognised. I therefore put to the Sub-Committee both of my amendments for its consideration and also for the consideration of the Conference.

Chairman : I must say I feel very strongly the view which Lord Zetland has put forward, that we are imposing a definite obligation here to endeavour to do this. He cannot pass this over lightly. Mr. Joshi was going to take out the word " obligation " and merely direct him to do this, but we are emphasising the point, unless another amendment is moved, and emphasising it very strongly. You cannot ask him to do the impossible, but normally not only would prudence dictate that he should do this, but he is under an obligation to make an effort to do it. I think we might accept that and leave the report as it is, for I think it represents the opinion of the majority of the members of the Sub-Committee at the end of the discussion which we had here. (*Yes!*)

Now we will take Mr. Chintamani's amendment to sub-section (*c*).

Mr. Chintamani : I desire to move an amendment to the sentence in sub-section (*c*) which reads " An obligation to endeavour to secure such representation should be expressed in the Instrument of Instructions to the Governor", so that as amended it shall read " An obligation to endeavour to secure such representation need not, however, be expressed in the Instrument of Instructions to the Governor, as no Chief Minister can ignore any important minority in recommending names to the Governor ".

Chairman : I do hope you will not press that. I think the report correctly states the general attitude of the sub-Committee.

Mr. Chintamani : I shall have no complaint if you declare it lost, and I shall not take up your time, but I owe it to myself to move it. I hold it to be essential to carry out the proposition already carried by this sub-Committee, that there should be collective responsibility of Ministers to the Council. You should rely on the commonsense and the political sense of whomever the Governor may select as Chief Minister not to start by creating antagonism against his Ministry on the part of any important section of the Council ; you must leave it to him to secure colleagues who, taken together, will command the largest assent of every section. It is on that that you should rely if you start on the experiment of responsible government with any confidence and not with these artificial props. It is for these reasons that I move this amendment.

Sir A. P. Patro : I oppose the amendment. Experience suggests there should be such an instruction.

Several Members : I oppose the amendment.

Chairman : I think the opinion of the Committee is against the amendment.

Mr. Chintamani : I ask in that case that it be included in the report.

Chairman : Do please try to realise where your collective interests lie ! if we fill up the report with these statements what will the position be ? I will put it in if you insist, but I plead with you not to insist. (*Cries of assent*).

Mr. Chintamani : I do not insist on it, but I shall move it in the full Committee.

Chairman : Then, subject to the reservation which we made at an earlier stage, No. 5 stands part of the report.

The next is No. 6, Powers of the Governor.

Mr. Fazl-ul-Huq : What about the other amendment I moved ?

Chairman : I thought the sense of the meeting was against you.

Mr. Fazl-ul-Huq : I proposed that in addition to the leader of the largest group, the Governor should invite the leaders of the other groups, and that there should then be a discussion, after which all the suggestions made should be considered by the Governor.

Chairman : I understood the sense of the sub-Committee was opposed to that. (*Cries of assent*). No. 6 is Powers of the Governor, and we come first to (*a*), his powers in regard to the legislature. (1) reads :

> " The Governor shall have power to dissolve the legislature ; he may assent or withhold assent to legislation ; he may return a Bill for reconsideration by the legislature, or reserve it for the consideration of the Governor-General."

I understand there is an amendment to be moved to that.

Sir Chimanlal Setalvad : The amendment I wish to move relates to this, yes. It says " he may return a Bill for reconsideration by the legislature ". I am entirely in agreement with giving him the power to return a Bill for reconsideration, but what happens at present is that he has the power, or at least he has taken the power in some Provinces, not only to return a Bill for reconsideration but to tell the Legislative Council in what form they should pass it and indicate the amendments he requires them to put in. That happened, I believe, in Madras in one instance.

Sir A. P. Patro : That was at the instance of the Government of India.

Chairman : Let us have the amendment read.

Sir Chimanlal Setalvad : I do not want the Governor to have that power. Let him send back a Bill for reconsideration to the Legislative Council, but he should not dictate to the Legislative Council what amendments he requires ; it should be left to the Council to reconsider it and to suggest certain amendments which they may in the circumstances think desirable.

Chairman : But surely that is going to place the Legislature in a most difficult position ? They will have a Bill sent back to them by the Governor for econsideration, but they will not be told why he has sent it back.

Mr. Chintamani : That is not the point of the amendment ; he did not mean that. I should like to explain the position. The Governor at present has power to recommend to the Council that a Bill should not be passed in a particular form. The power is not exhausted by asking the Council to reconsider particular parts of the Bill ; he can send it back to the Council with the recommendation that the Bill should be passed in a particular form, and say that otherwise it will be dead. My hon. friend the Home Member will remember that when there was tenancy and revenue legislation before the Council of the United Provinces in 1926, the Governor went against the wishes of the Council. The Council wanted the legislation in a certain form, and the Governor held a pistol at the head of the Legislative Council and said " Either you pass it in this form or it will be dead ". The amendment is designed to deprive the Governor of this particular power.

Sir A. P. Patro : What has been referred to is the Religious Endowment Bill in Madras, which was reserved for the assent of the Governor-General. The Governor-General in sending it back suggested certain amendments to make the Bill more satisfactory. With regard to the Malabar Tenancy Bill suggestions were also made, but they were not an abuse of the Governor's powers but were suggestions made by the Governor with a view to making the legislation more efficient and workable. There was no question of the Governor arrogating to himself any extraordinary powers not conferred by the Statute.

Sir P. C. Mitter : It is not suggested by my friend Sir Chimanlal that the power of the Governor to withhold assent should not be there. If that is not suggested—and I am sure it is not suggested—what will happen in regard to what comes under (2), legislation (i) affecting the religion or religious rites of any class or community in the Province and (ii) regulating any subject declared under the constitution to be a federal subject ? There is also (iii) any measure repealing any Act or Ordinance made by the Governor-General. Unless the Governor can send this back to the Council and say " Unless you take note of certain points " and so on, there will be difficulty. The Governor has no right to impose anything on the Legislature, but the Governor should be able to indicate certain defects and difficulties, so that I hope my friend Sir Chimanlal will not press this.

Sir Cowasji Jehangir : From 1921 to, I think, 1924 the Governor returned Bills for reconsideration, pointing out in ordinary language where he thought they might be amended. In 1924, however, a rule was brought into existence which enabled the Governor to send an Amending Act back to the Council for their consideration—an actual draft Bill, showing how the Bill should be amended if it was to receive his assent. That was the distinction made in 1924, and it is that distinction and that rule to which Sir Chimanlal desires effect should not be given. The Governor should not have the power of sending an actual draft Bill to the Council ; he should merely point out where he thinks the Council might amend certain sections of a Bill ; then he would leave it to the Council to amend that Bill, if they chose to do so, according to his wishes, or to pass it again. He should not be allowed to send an actual draft amending Bill back to the Council ; that is the point.

Chairman : No, but if he has had a Bill sent to him for his approval and he takes exception to it or to any of its provisions, surely he must indicate what the points are ? The amendment I have in my hand clearly says " should not indicate." I say he must indicate.

Sir Ahmad Said Khan : He must indicate.

Chairman : I should think that in nine cases out of ten he would merely give to the Minister in charge his views as to why certain provisions should not be accepted, and they would probably try to come to an agreement as to what modification was necessary to enable the Bill to pass. But if the Bill merely comes back to them and they are left to guess what the Governor's objections are, they will be in a fog and not know what to do.

I should like again to ask you to remember that we are not drafting an Act of Parliament ; we are not even drafting a constitution in detail, and in the existing Act there is such a provision now. I suppose when this constitution comes to be drafted and turned into an Act of Parliament, it will be seen what limits it is necessary to impose in connection with the return of a Bill for reconsideration. The intention of this amendment may be correct but I feel sure the wording is not ; to say that he " will not indicate " in my opinion would never work.

(*The sub-Committee adjourned at* 12.55 *p.m. and resumed its discussions at* 4 *p.m.*)

Chairman : We shall continue the discussion upon the amendment proposed by Sir Chimanlal Setalvad.

Sir Chimanlal Setalvad : I am afraid there is some misunderstanding as to the object of my amendment, and possibly the way in which I drafted it has led to that misunderstanding. What I mean is this. Under the Rules as they stand at present, if the Governor does not approve of a Bill passed by the Legislature he not only indicates to them the reasons for his disapproval, but is authorised to send to them a Bill in the amended form in which he wants it adopted, and no discretion is left to the Legislature to alter the Bill so drafted by the Governor or further to negotiate about the matter.

What is more objectionable is that the Rule says that if the Legislature refuses to pass the Bill as amended by the Governor and sent to them for acceptance, the Governor has the power to certify the Bill over the heads of the Legislature and it becomes law.

Sir A. P. Patro : Where is the Rule ? Who made the Rule, and how was it made ?

Sir Ahmad Said Khan : That can be done on the reserved side only.

Sir Chimanlal Setalvad : But now there is to be no reserved or transferred side.

Sir A. P. Patro : Therefore that Rule must go.

Sir Chimanlal Setalvad : That is what I am asking.

Sir A. P. Patro : These things are intended to be incorporated in an Act.

Sir Chimanlal Setalvad : This is a principle we have to indicate, namely that the present power in the Governor to certify a Bill if the Legislature does not accept the exact amended form he indicates must go. That is what I am seeking, and it may be provided in this manner.

Sir Cowasji Jehangir : It does not say anything about certification here.

Sir Chimanlal Setalvad : He must not be allowed to require the Legislature to pass the Bill in the exact form as amended by him, and on their refusal to do so certify the Bill and make it law. That is the amendment I wish to propose.

Chairman : That is not the amendment that was proposed this morning. The amendment proposed this morning, which I have read more than once, is that he shall not indicate the amendments he desires to be made.

Sir Ahmad Said Khan : I am sorry, but I cannot agree with the mover of the amendment. If we are to give the Governor power to send back any Bill to the Legislature, I cannot understand why we should not give him the power to indicate to the Legislature where the defect is and why he wants to send it back and what he wants in place of the section to which he takes objection.

Mr. Chintamani referred to me in his speech about the Rent Act in the United Provinces. It is true, as he said, that the Governor sent back the Bill, or a certain section of the Bill, against the wishes of the House, and it was carried. The real difference is, however, that that was done on the reserved side, where the Governor had the power to certify. Now this will be done on the transferred side, and the Governor can send this back to the Legislature either with the consent of the Ministers or without.

If he is doing it with the consent of the Ministers I see no objection to it, because the Minister who is in charge of the Bill has every right to say that if the Bill is not going to be made law with this particular section in it he will not proceed further with the Bill. That is the right of every private member, and I do not see why a member of the Government should not enjoy the same right. But if the Governor is going to send a Bill back to the Legislature against the advice of his Cabinet, in that case he should remember the House has got definite power to reject it and not to pass it, and if any Governor is thinking of taking a strong line in that connection he should beware of the result, because it is quite possible that in these circumstances the Ministers would all resign, and if the House is unanimous on that section, or if there is a great majority in the House in favour of that section to which the Governor takes objection, the chances are that he will not be able to get any Ministers and the whole constitution will come to an end. I think that safeguard is quite sufficient against the Governor taking any arbitrary action.

Personally I think what is put down here is quite all right, and that there is no need for any change.

Dr. Shafa'at Ahmad Khan : Sir Chimanlal has in effect moved two amendments. The first dealt with the question of reconsideration by the Legislature of amendments desired by the Governor, but in the second amendment which he has just proposed he wants something quite different ; what he wants is that the Governor should not possess the power of certifying any Bill. There has, however, never been any question of the Governor in the new constitution possessing any power of certification. No one has raised this point, and I am sure very few persons would support any power of certification being given to the Governor, so that the question of certification does not arise at all.

Chairman : He can only reserve it to the extent of putting it before the Governor-General.

Dr. Shafa'at Ahmad Khan : That is all, and that, of course, must be retained. The second amendment being thus disposed of, I come to the first amendment. This first amendment expects the Legislature to decide in a way contrary to that in which it has first decided, but it does not call on the Governor to give any guidance to the Legislature ; that is what it comes to. Sir Chimanlal's proposition comes to this, that the Governor sends a sort of blank message to the Legislature, saying that he is displeased with a particular Bill, but he does not say how or in what way he would like the proposal amended or altered ; he only says " Please reconsider this."

I should like to know what effect such a vague, ethereal and rather nebulous method will have on the Legislature. A Legislature which is told to reconsider has a perfect right to ask what it has to reconsider, on what lines it has to reconsider it and on what principles it is to reconsider it ; but on these points Sir Chimanlal is perfectly vague and quite indefinite.

There have been two occasions on which this power has been exercised by the Governor in the United Provinces. In 1925 this power was exercised when the Governor sent back a Bill with his own suggestions, and all the suggestions recommended by the Governor were carried out by the vote of the Council.

In 1926 the Governor sent back the Agra Tenancy Bill for reconsideration and he suggested his own proposals. The Council again considered all those suggestions ; it did not make the least alteration in the suggestions which had been made by the Governor and passed it as recommended by the Governor himself. If the suggestions of the Governor had been contrary to the wishes of the Legislature, the Legislature would have been perfectly right to have rejected his suggestions, and it could have said : " No, we are not going to carry out your suggestions." But, on the contrary, all the suggestions, all the amendments, of the Governor were carried out. I think, Sir, that the power which is now exercised by the Governor is very salutary and very useful, because, after all, even a Legislature is liable to make mistakes now and then.

Chairman : Now I think we had better have the position clarified. First of all, do I understand that you withdraw your first wording ?

Sir Chimanlal Setalvad : Yes.

Chairman : Very well ; then that is out of the way, and the discussion must now proceed on the new wording. I have not got a copy of the new wording yet. Could it be given to the Secretary while the discussion is going on ?

Sir Chimanlal Setalvad : Yes.

Sir A. P. Patro : I think the previous speaker was speaking with regard to the powers which are now specified in the recommendation we make ?

Dr. Shafa'at Ahmad Khan : That is it.

Sir A. P. Patro : But the power which Sir Chimanlal refers to is a power which is vested in the Governor and the Governor-General under rules made in the Legislative Department in 1924. The reason is this : before that there was doubt as to whether, in returning a bill for consideration to the Legislature, the Governor or the Governor-General could lay down the lines on which the amendment should be accepted by the Council. Instead of explaining that position, the Government of India took the matter into their own hands and, in returning a bill, said they would make certain suggestions conditionally, that unless the Legislature was able to accept those conditions, they would not accept the bill. That has happened in regard to what was known as the Irrigation Bill in Madras in respect to which the Council refused to accept certain recommendations made in the Reserved Department. When it went up to the Government of India, they said : If certain conditions are accepted by the Legislature then the Government of India will accept the bill. But we refused to accept those conditions laid down by the Government of India, and therefore the bill could not be passed. It is a power that now exists with the Governor and the Governor-General to lay down conditions under which they will accept a bill when they send it back to the Council. When the Council refuse, then the bill ceases to exist. That is the present position ; but this position applies only in regard to matters arising out of the Reserved subjects ; it does not apply to the Transferred subjects ; neither the Governor nor the Governor-General has power of refusing in regard to matters transferred when the Ministers are responsible to the Legislature. This arises only in the cases of Reserved subjects ; but now the distinction between the Reserved and Transferred subjects will be abolished. Therefore this amendment of Sir Chimanlal is quite unnecessary. It would be necessary only if the distinction between Reserved and Transferred subjects remained. That power is applicable only under the

rule with regard to the Reserved subjects, and that distinction being sought to be abolished, the amendment of Sir Chimanlal seems to be quite unnecessary.

Sir Chimanlal Setalvad : I will not press it now.

Mr. Joshi : I am not moving an amendment. I will simply express my view that now I am entirely against this clause, that he may return a bill for reconsideration by the Legislature. I feel, Sir, that it is enough that the Governor should have the power of either assenting to or dissenting from the bill. To give the Governor power to send a bill back for reconsideration really means that the Governor will have power to negotiate with the Legislature as to the details of the bill. If the Governor only has the power of dissenting or assenting, he will use his power very rarely ; but if he gets the power of negotiating with the Legislature as to the details of the bill, he will use that power very frequently. I therefore feel that we should not give the power to the Governor to send back a bill for reconsideration.

Chairman : May I just read, for the benefit of the Committee, the position in the South African Constitution : the Governor-General may return to the House in which it originated any bill so presented to him, and may transmit therewith any amendments which he may recommend, and the House may deal with the recommendations. Now the report stands as it is on this point. We have dealt with No. 1. ; we now come to No. 2, to which an amendment is proposed by the Maharaja of Darbhanga. It now reads : " It shall not be lawful, without the previous sanction of the Governor, to introduce any legislation (1) affecting the religion or religious rites of any class or community in the Province." Do I understand that you want to take out the words I have just read, and substitute the words you propose ?

Maharaja of Darbhanga : Yes, Sir.

Chairman : The words are : " It shall not be lawful to introduce any legislation affecting directly or indirectly the religion or religious rites or any class or community of His Majesty's subjects." You will now propose that amendment.

Mr. Zafrullah Khan : What is the difference ?

Chairman : It takes away all power to deal with this matter ; it says : not to introduce any legislation directly or indirectly affecting the religion or religious rites of any class or community.

Maharaja of Darbhanga : Sir, the reason of my moving this amendment is that I am convinced that it is entirely wrong that there should be legislation interfering in any religious matters. India is a country of different races, religions and creeds, and what one section may consider right is considered wrong by another section. Therefore I do not think it right to make a hard and fast rule in matters of religion, which means everything to a great majority of people. It touches the core of their heart if they are hindered in any way in religious matters. Sir, I do not for a moment wish to suggest that there is no room for reform. Things have crept in which are attributed to religion, but which may be quite contrary to the religion itself, but I submit it should be left to the leaders of the community itself to say what changes shall be effected.

Chairman : Yes, but will you please direct yourself to pointing out the difference between the report and the amendment you are proposing. All you are now telling us is admitted in the Report itself. We clearly laid it down that it shall not be lawful without the previous sanction of the Governor.

Maharaja of Darbhanga : I mean to say, religious matters should not be liable to legislation even with the sanction of the Governor.

Chairman : That is the point to which I want you to address yourself.

Sir A. P. Patro : There is nothing in the amendment.

Maharaja of Darbhanga : Then I would suggest that in this particular case the Governor should not give his sanction without consulting the leaders of the communities.

Chairman : I cannot see him doing it without consulting some one, unless he is out for trouble, and serious trouble.

Maharaja of Darbhanga : At times the ideas and the views expressed by some of the leaders have not been considered ; for instance, in regard to some of the Bills which have been before the Council, the views of some of the leaders of the Society were not at all considered, and legislation contrary to their wishes was allowed to be brought into the Council.

Chairman : You will see the point here is that the Cabinet have got to get the sanction of the Governor before they can interfere in any way. Surely in a matter like this, the Governor, for the tranquillity of his Province, is going to see to it that his Cabinet is not allowed to make any change which is going to go against the religious convictions of any section of the community ; at least I should imagine so. Now, do you propose to press this amendment ?

Maharaja of Darbhanga : No, I do not.

Chairman : Very well. Then the next is on *(iii)* by Sir Chimanlal Setalvad.

Sir Ahmad Said Khan : I have an amendment with regard to affecting the religion or religious rites of any community in the Province.

Sir Ahmad Said Khan : My idea is that a sort of note should be attached to clause *(i)* and the note should run as follows : " If any community submit a memorial to the Governor or the Governor-General, as the case may be, signed by two-thirds members of that community in the Legislature, then he should be required to give his formal decision whether any Bill does or does not affect the religious or social usages of that community, and to withhold his consent if he thinks that the Bill affects the religious or social usages."

Raja Narendra Nath : You use the word " social " as well ?

Sir Ahmad Said Khan : Yes.

Chairman : You have moved your amendment ; will you speak to it ?

Sir Ahmad Said Khan : I beg to move that this explanation should be added to it. This will perfectly serve the purpose which was in the mind of the Maharaja of Darbhanga. The effect of this will be that whenever any Bill or any measure is brought before the Council, if any community take objection to it, then if two-thirds members of that community sign a memorial and submit it to the Governor, he will have to give a formal decision, first of all, as to whether that thing or that Act or that measure does or does not affect the social or religious usages of the community concerned ; and if it does, then he will be empowered to withhold his consent. I think this will cause full satisfaction to the Maharaja of Darbhanga and other members of the minority communities who may be afraid that the majority community may do something which affects their religious usages.

Chairman : But do I understand that though you will have representation in the Legislature, you desire, as members of the Legislature to sign a memorial to the Governor going over the heads of the Cabinet ; is that the idea ?

Sir Ahmad Said Khan : Yes.

Chairman : Well, that is rather an extraordinary thing in a representative Chamber.

Mr. Joshi : Sir, I am not only against this amendment, but I am against this part of the Report. I feel that in India social reform has been delayed by the attitude taken up by the British Government, which has been an attitude of neutrality. If we are going to

put in a clause now that no legislation shall be introduced unless a Governor, who may be very reactionary in social and religious matters, approves of that legislation, then we are not going to get any social reform in India at all; it will depend on the Governor being a social reformer.

Chairman : You will excuse me, Mr. Joshi, but we are only dealing with this one which affects religious rites.

Mr. Joshi : Yes, I am talking of religious rites, because unfortunately in India every social custom has got some relation to religion. I will give you an instance; there is the question of taking water by the depressed classes from a public well. It is quite possible that some people may say that this affects their religion, and if a Governor happens to be a Governor of a reactionary mind, there can be no legislation on that point at all. It is a dangerous thing to give such a power to a Governor who delays social reform. The British Government has done sufficient harm by taking up an attitude of neutrality, and we should not now give power to the Governor to delay social reform any longer.

Sir A. P. Patro : The last Act of the Government of India with regard to marriage restriction was well supported and backed up by the Government. If social legislation emanates from the non-officials and is placed before the Legislature, then the attitude of the Government of India will be known, and in every case in which a social measure has been placed, the Government of India and Provincial Governments have supported it so far. In my own Presidency two such measures were placed, one with regard to the depressed classes and the other with regard to endowments. Those measures were at first non-official measures but they received the full support of the Government. Therefore it is wrong to say that the Government opposes any measure which is for the social advancement of the people. In the proposal which has been made I am sorry that social measures have been included. If social measures are withdrawn and it is confined to religious matters, then, as was proposed in the Conference, if two-thirds of the members of a Legislature vote against any particular measure as affecting their religion, then it is for the Governor to consider whether he will give permission to introduce it. But I am not able to understand how this proposal is put, namely, that if a memorial signed by two-thirds of the Legislature is placed before the Governor, the Governor shall take cognisance of the matter. It is a matter of which the Legislature will be completely seized; the Legislature has the power to deal with it because it is a representative assembly consisting of representatives of all classes and communities, and if two-thirds of that Legislature say that a measure is opposed to the religion of religious communities, then it is for the Governor to consider. As it is proposed, namely that it should be memorialised, that seems to be a very cumbrous procedure. If the proposal is that if two-thirds of the members affected by the particular measure pass a resolution in the Council, then the Governor shall not give his consent, that I could understand as a constitutional position.

Chairman : Do not let us get at cross purposes. The words are: "Two-thirds members of that community in the Legislature." That can be interpreted to be two-thirds of the representatives in the Legislature, but I understand that is not what you mean ?

Sir Ahmad Said Khan : Two-thirds of the members of that community in the Legislature which is affected.

Chairman : Not two-thirds of the Legislature ?

Sir Ahmad Said Khan : No, Sir.

Chairman : I was going to say that if two-thirds of the Legislature were opposed to it, they would not pass it, and therefore the point would not arise. It is a question of wording. I want to get your mind and then the wording can be put right. I understand what you want is that if two-thirds of what might be a minority in a Legislature feel that this is an encroachment upon their religious rites, you want them to have the power to petition the Governor.

Sir Ahmad Said Khan : Yes.

Chairman : Now we have got clear what it is. Is there any objection to that course being adopted on a purely religious question, because the word "social" has been deleted. Is there any objection to that being done in some form if we get the right words, if we confine it solely to the religious question ?

Mr. Zafrullah Khan : There would be no objection in principle to giving that guarantee, but we had better be clear as to what we are about. The proposal in the Report is that no measure which affects the religious rights of any class or community in the Province shall be introduced in a Provincial Legislature unless its introduction has been previously sanctioned by the Governor. Let us stop there and see whether that provision affords sufficient protection or not. If it does I do not think it would be necessary to put into our Report anything to the effect that certain things shall be lawful to be done by a certain proportion of the members of the Legislature. Supposing a measure is introduced into the Legislature without the previous sanction of the Governor which it is felt affects the religious rights of a particular community or class, and supposing that this clause stood as it is, what would be the remedies open to members representing that particular community or class ? It would be for them to raise an objection first in the Legislature itself when the measure was sought to be introduced, to the effect that it was *ultra vires* the powers of the Legislature to consider the measure at all, inasmuch as it required previous sanction, and previous sanction had not been obtained. In the first place the powers of the President would come into play. He would have to consider the measure, and he would have to give a ruling as to whether in his opinion the measure did or did not affect the religious rights of any community or class in the Province. If he ruled out the measure, it would go. If he did not rule it out the measure would be taken into consideration on its merits: members would still be free to vote on it from the point of view of whether or not it affected the religious rights of certain communities, and those concerned might be able to persuade a bare majority in the House that it was not desirable to pass the measure. If that happens at any stage, the measure goes. If, in spite of all this, it is passed into law it will be extremely probable that it is not a measure of the kind with regard to which previous sanction is required; but if, nevertheless, it has been passed, then it goes up to the Governor for his assent. If he in the mean time has been persuaded that it is one of those measures which requires his previous sanction, he can interfere and refuse to assent. Supposing, nevertheless, that he does assent and it becomes an Act: it is open to anybody to whom it is sought to be applied to go to court and raise the question that the measure is not a valid measure—that it is *ultra vires* the powers of the Legislature inasmuch as previous sanction was required and has not been accorded. That is what happened with regard to fiscal measure in my own Province. A certain tax was imposed by the Provincial Legislature without previous sanction. Some people paid the tax under protest and afterwards sued for the recovery of the tax, and the court gave a ruling that it was *ultra vires* the Legislature, and the matter was set at rest. I do not object to the spirit of the amendment, but I think, with all respect, that it is unnecessary.

Chairman : The only point which I think we have to consider now is as to whether we are going to add to the end of this sub-clause (i) words which will enable a petition to be presented by two-thirds of any minority claiming that their religious rights are being encroached upon. I do not know whether we can dispose of it now. It is not a very vital matter. Nobody likes to have their religious convictions

trampled upon. The only question is whether in the majority of cases, if anything of the kind were attempted, the Governor himself would refuse to allow the Legislation to be introduced. It says it shall not be lawful to do so without his consent, and that seems to me to be a very adequate protection. If we are afraid that the Governors will not do their duty in this respect, there is still the fact that you have a unitary Cabinet, and the Cabinet itself with the Chief Minister is not going to allow these disturbing questions to be brought in unnecessarily. There you have a second safeguard. Now you are wanting to impose a third safeguard. It does seem to me that you are not going to begin by trusting each other very much in these matters. Do you wish to press this ?

Sir Ahmad Said Khan : You might put it to the sub-Committee. If they do not wish to have it, well and good. Personally I thought it was necessary. There is nothing new in it. It has been laid down that two-thirds of any minority community should be able to stop any law which affects their religious susceptibilities, but if the members of the sub-Committee are against it, well and good.

Chairman : I think the sense of the sub-Committee is against it, and I rule against it. The next amendment is by Raja Narendra Nath.

Raja Narendra Nath : I wish to suggest that in (ii) it should read " regulating any subject declared under the constitution to be a Federal or Central subject." (*Agreed to.*) Then in (iii) I suggest it should read " any measure repealing or affecting any Act or Ordinance made by the Governor-General." (*Agreed to.*)

Sir C. Setalvad : That assumes that the power of promulgating an Ordinance is still to be kept with the Governor-General ? It may or it may not be ; that will depend upon what is done hereafter. Therefore I would insert the words " Ordinance made by the Governor-General in Council, if he is given that power."

Chairman : He must have the power. Now let us turn to " (*b*). Conduct of business."

Sir C. Setalvad : The clause runs thus : " The Governor shall be placed in possession of such information as may be needed by him," and so on, and the second part says that the Chief Minister should preside, but that on any special occasion the Governor may preside. You have to take the two together. What I submit is this—that in the first part instead of having the words " The Governor shall be placed in possession of," we should have the words " The Governor may call for from the Ministers such information as he may need." The reason for my suggestion is this. If the Governor is to call for any information, he must call for it from the Ministers and not, as happens at present, from the Secretaries. At present the Secretary of a Member or a Minister has direct access to the Governor, and he goes to the Governor when he disagrees with his Member or with his Minister. Therefore if any information is to be called for by the Governor, it should be called for from the Minister. With regard to the second clause, I do not want the Governor to preside at the meetings of the Cabinet.

Chairman : Take the first one first. The point is this—that you object to his being placed in possession of information by any other person than the Minister.

Sir C. Setalvad : By the subordinates of the Ministers—the Secretaries, as at present.

Chairman : I have had experience of this. I have often sent my Chief Secretary to see His Majesty and to impart information. It is unnecessary always for me to do it.

Sir C. Setalvad : As it stands at present the Governor may directly call for the Secretary and get information. Further, the Secretary of his own initiative, if he differs from the point of view which the Minister takes, goes to the Governor, and has access to him under the rules at present. I suggest it should read " The Governor may call for from the Ministers such information as may be needed by him for the discharge of duties imposed upon him by the constitution."

Chairman : One version is " The Governor shall be placed in possession," and the other version is " The Governor shall call for." That is the question before the meeting.

Sir A. P. Patro : I believe what Sir Chimanlal means is this. There is a suggestion in the Simon Commission Report that there should be a Cabinet Secretary who should communicate all that takes place in the Cabinet meetings to the Governor. I believe Sir Chimanlal is attacking that position that there should not be a Cabinet Secretary who should be exclusively under the control of the Governor, keeping the Governor informed of what is going on in the Cabinet.

Sir C. Setalvad : Not only that, but at present the Secretary of a Minister or of a Member is entitled to go direct to the Governor if he disagrees with the view of that Member or Minister in any particular matter.

Sir A. P. Patro : That is a matter of rules of business. The rules of business are made by the Governor and the Cabinet. If the Cabinet is strong enough to be able to place its views before the Governor, it can make arrangements as to how the Governor should be placed in possession of them ; but we must be honest, and say that we do not approve of the recommendation of a Cabinet Secretary who shall be the connecting link between the Cabinet and the Governor. It is considered undesirable by us that there should be an official who should be the link between the Cabinet and the Governor. The Governor could at any time be at liberty to call for information from his Ministers. The rule to which Sir Chimanlal refers is this : at present, if there is a difference between the Minister or Member and the Secretary, the Secretary can go direct with the file and place it before the Governor and discuss the matter over the head of the Minister or Member. If that rule of business is to be altered, it is only a matter of procedure. It is not necessary that it should be in the Statute.

Sir Cowasji Jehangir : This is not quite such a detail as is imagined. Under the present constitution the Governor has the right of making rules, and he has made rules. I am not contesting that point. The point is that under the Act itself a Secretary has got statutory powers—

Chairman : Under which Act ?

Sir Cowasji Jehangir : The Government of India Act.

I want to make it clear what the position is. The position is that the Governor shall get all the information he requires in order to exercise his statutory powers, and that information should be obtained through the Ministers and not through any other agency over the heads of the Ministers. That is the point to be cleared up—nothing else, because it is rather vague here, if you read it : " The Governor shall be placed in possession of such information as may be needed by him." It is not quite clear as to how he shall be placed in possession of that information, and the matter is rather complicated by suggestions already made by certain Commissions and Committees which have reported on this matter. Therefore, in order to make the matter perfectly clear I think that if the words " through the Ministers " were inserted, no harm would be done, and the matter would be made perfectly clear.

Chairman : " The Governor shall be placed in possession by his Ministers of such information."

Sir Cowasji Jehangir : That is quite sufficient.

Lord Zetland : On that point I think you ought to give the Governor a certain amount of discretion. If the Governor wishes to do so why should not he consult, say, the Director of Public Instruction on an educational matter, or the Sanitary Commissioner or the Director of Public Health, whatever his designation may be, in the same way ? After all, there are many technical questions which arise in connection with, say, public health matters ; and it seems to me that you would be unduly restricting the Governor if you were to say that in no circumstances was he to invite the Director of Public Health to come and discuss a public health matter with him. The Governor must have a little elasticity.

Sir Ahmad Said Khan : As far as this question is concerned, I think information should be supplied to the Governor. The only point is this—that some of my friends think that certain information should come only through Ministers, and through nobody else. If this is the position, I beg to submit that further on, in Section No. 2, dealing with the relations of the Governor with his Ministers, it is proposed to give him certain special powers for the protection of minorities as well as for the maintenance of law and order, where he will be placed in a position even to override his Ministers.

That is the proposal, that even when he wants to override the Ministers he should get all the information from the Ministers ? (*Cries of assent*). Then it will be impossible. (*Cries of dissent*).

Sir Cowasji Jehangir : The intention is not that the Governor shall not be able to call for the advice of any head of any department ; the point is that at present he has the right to call for heads of departments over the heads of the Ministers and take their advice independently of the Ministers. At present, as Lord Zetland knows, if one Executive Member of Government wants information from another department he does not call for it directly ; he cannot ; he goes to the Member or writes to the Member in charge and says " I want such and such information ; will you kindly ask so and so to supply me with it." The Member writes a letter saying " Please inform the Hon. Member of the facts and give him all the information he requires." That is the present position, and even with the Governor that is what happens. If the Governor wants any information from a department he writes to the Member and says " I want such and such information ; please see that I get it." The Member cannot give the information, nor can he go himself ; he generally sends the head of the department, who goes and supplies the Governor with all the information.

The point is that, to be in keeping with the whole idea of the future constitution, the Governor should not have the right of consulting the head of a department without the knowledge of the Minister. After he has got all the information he may discuss it with the Minister, and disagree with or overrule the Minister ; but the constitutional point should be established that the heads of departments should be under the Ministers with the Governor at the top, and that the Governor should not be in direct communication with the departments and give orders to the departments without the knowledge of the Ministers. That is all that has to be provided against.

Mr. Joshi : I only want to oppose the suggestion made by Lord Zetland that the Governor should, without the knowledge of the Ministers, be able to deal with the officers of the Government. I think it is wrong practice for any Governor to do such a thing, and it should not be allowed.

Mr. Paul : On the other hand, Sir, I think it is extremely necessary that the Governor should be accessible to all sorts of people. He should be accessible to the public and he should be accessible to the heads of departments. I think the difficulty in regard to this draft arises because of this. What we want to prevent is the habitual access that the Secretaries to Government have by right to the Governor over the heads of the Ministers, not the access that the Governor has, or can have, to the Secretaries or heads of departments. It is the other way round which is so humiliating, I understand, to the Ministers, who are the superiors of the Secretaries.

I think this should be redrafted. So far as I recollect, this particular point was not discussed last week ; what was discussed was the recommendation of the Simon Commission about a Secretary to the Cabinet. In trying to summarize the debate on that question this point has come up. I may be wrong—I speak subject to correction—but I think that is why we are not getting at the question in the right way. It is right that the Governor should be placed in possession of the position by his Ministers, but he should have access to anyone on whom he likes to call. It should be made clear that the recommendation of the Simon Commission to the effect that there should be a Secretary to the Cabinet who by right should have direct access to the Governor irrespective of the Cabinet is not supported by this Sub-Committee. If that were made clear in a straightforward manner I think it would satisfy us all.

Chairman : That point has not been raised.

Mr. Paul : It was raised last week.

Chairman : There is an amendment before the sub-Committee, and a suggested amendment to that amendment. The amendment is that the section should be altered to read : " The Governor may call for such information from the Ministers and may at any time summon the Ministers to confer with him." The other suggestion is that instead of having that amendment we should make it read : " The Governor shall be placed in possession by his Ministers of such information as may be needed by him for the discharge of duties imposed upon him by the constitution." I do not know whether we could all agree to accept this last suggestion, with the words " by his Ministers " ?

Dr. Shafa'at Ahmad Khan : No.

Several Members : Yes.

Lord Zetland : I should prefer to leave the Governor rather wider discretion. In Bengal before the present reforms came in, and when Public Health was administered by a Member of the Executive Council, I constantly called the Director of Public Health to inform me on technical matters and discussed with him the best means of dealing with the prevention of malaria and other things of that kind. That was of the greatest advantage not only to me but also to my Government, because then when any big question of Public Health came before the Government I was able to discuss it fully informed of the subject. I really do think that it would be a little unfair to a Governor to lay it down that he was not to call in the head of a department in that way in order that he might discuss these questions with him.

Chairman : I really do not think this is quite so serious as may be supposed. Even if we were to take the amendment as I last suggested there would not be anything to prevent him seeing the heads of departments. We have to do it in these days. We do not go ourselves to explain a good many technical matters if information is required by the Palace ; we send a chief official, but we usually know when it is being done, either before or after.

Sir Cowasji Jehangir : That is the point.

Chairman : Shall we say this : " The Governor shall be placed in possession, with the knowledge of his Ministers, of such information as may be needed by him for the discharge of the duties imposed on him by the constitution " ?

Several Members : That is all right.

Chairman : I think we can agree on that. (Assent.) I have another amendment under (2) ; it is suggested that the words " but on any special occasion, the Governor may preside " should be omitted.

Sir Chimanlal Setalvad : I suggest that instead of that we should say : " The Governor may at any time summon the Ministers to confer with him ".

Sir A. P. Patro : What is the reason ? Why not leave it as it is ?

Sir Chimanlal Setalvad : The difference is very great. When the Ministers meet, the Chief Minister and not the Governor should preside, but the Governor can summon the Ministry to meet him at any time.

Chairman : I do no think there is anything between us. This was intended to provide that if an occasion arose which necessitated the Governor meeting the whole of his Ministers he should be able to take the Chair. I am quite sure that if the Governor walked into this place now I should vacate the Chair and let him take it. That is the position ; it is to deal with special occasions. We have already laid it down that in all normal occasions in the conduct of an ordinary Cabinet the Chief Minister will preside, but when the Governor comes specially to meet all his Ministers it is only right that he should preside. Sometimes, no doubt, he will say : " You keep the Chair ; I have only one subject, and I shall not keep you more than a few minutes." That is how the thing will work out. Why should we disturb this ? I drew up this part of the report very carefully. It says that this is only to be on a special occasion ; it must be on a special occasion. It also says that the Governor *may* preside ; it does not even say " shall " or " should ".

Sir A. P. Patro : That is quite all right.

Mr. Joshi : It is quite all right.

Chairman : I hope our friend here will be prepared to accept what is in the report. (*Assent.*)

On the following page, Sir Chimanlal has another amendment, to sub-section (2), at the end, to leave out the words " and the safeguarding of the safety and tranquillity of the Province ".

Sir Chimanlal Setalvad : That goes along with what I want to insert in (*d*) on the same subject.

Chairman : Will you please explain it to the sub-Committee ?

Sir Chimanlal Setalvad : Yes. I accept the clause as it stands until we come to the last sentence, which says : " These duties shall include the protection of minorities "—I am not disturbing that—" and the safeguarding of the safety and tranquillity of the Province ". Those last words are much too vague and wide ; you can include almost anything in them, and I therefore propose to take them out and to put a provision in the next clause, which deals with Emergency Powers, in this form : " There shall be vested in the Governor suitable emergency powers to deal with any serious disturbance of the public peace and to carry on the administration in the event . . ." and so on. I define it more by saying : " to deal with any serious disturbance of the public peace " ; that is more definite than talking about " the safeguarding of the safety and tranquillity of the Province ". Any person may say that any particular thing will disturb the tranquillity of the Province, because the expression is so vague. If, on the other hand, you put in these words about serious disturbance of the public peace, then we know where we are. The wording with regard to a breakdown would remain. I am merely replacing the provision about the safety and tranquillity of the Province by something more definite in the next clause.

Sir A. P. Patro : The provision with regard to safety and tranquillity is to be found in the existing Act, for instance in the powers in Section 72D.

Sir Chimanlal Setalvad : That is exactly the reason why we want to change it ; the words are so vague that you can bring in anything under them.

Sir A. P. Patro : I want to know where and how cases of the abuse of this power have occurred. Have there been any instances, within the knowledge and experience of any member here, where this provision with regard to safety and tranquillity has been found to be so vague that advantage has been taken of it and the powers given under it abused ? There would be some point in knowing definitely of any instances where this has occurred. Personally, I think we are quite safe in using these words.

Chairman : I attach very great importance to this as it stands in the report, and I hope this amendment will not be pressed.

Sir P. C. Mitter : It sometimes happens that after an event it may be far more difficult to have tranquillity and safety. I do not see any particular objection to these words, and if Sir Chimanlal apprehends any particular objection I should like to know what it is.

Chairman : Is this amendment pressed ?

Sir Cowasji Jehangir : I should like to raise an important point on this, and to point out to my friends Sir A. P. Patro and others that at present the Governor is a member of the Government responsible for the Home Department along with the Home Member. He is responsible for all the reserved departments. He is in daily touch with the Home Member and is responsible in effect for the department, and therefore he has never had occasion to use the powers given to him under the Act for safeguarding the safety and tranquillity of the Province, for he himself has been responsible for it.

But when law and order is a transferred subject and is under a Minister he will be given overriding powers. He will naturally have powers of consultation with the Ministers ; those powers will continue ; but then he will be given overriding powers, over and above the heads of his Ministers, and therefore they ought to be more carefully defined. Under what circumstances, if he disagrees with his Ministers, shall he set aside his Ministers and take action himself ? We are trying to define under what circumstances he should do that, and therefore I can visualise at present only two main reasons for his overriding the powers of the Ministers.

The first is a breakdown of the constitution, when the Ministers go and he must take full charge of the Government and carry on. The second case is where such a situation arises that law and order has completely broken down and the Minister is not able to cope with the situation. Then he sets aside his Ministers and takes charge of the Government. Those are the two occasions on which the Governor should have overriding powers over his Ministers, and they should be properly defined.

At present they are placed under two heads. You will find them in clause (2) and also in paragraph (*d*), Emergency Powers. In the paragraph dealing with Emergency Powers he has the power of overriding his Ministers only in the case of a breakdown in the constitution, while safeguarding the safety and tranquillity of the Province is put in another paragraph. If someone wished legally to construe this document it might be said that the Governor has not overriding powers with regard to safety and tranquillity, because they are not referred to in the provisions relating to emergency powers.

Both those provisions should be dealt with as emergency powers. The Governor, although he will not be responsible for the department, will be in constant touch with the Minister when it is likely that dangerous circumstances are going to arise, but if after they have arisen the Ministers have not been able to cope with them, the Governor must have emergency powers to override his Ministers. I would therefore suggest that further consideration be given from that point of view to the proposal which Sir Chimanlal has just placed before the sub-Committee.

I would take this provision out of paragraph (2) and put it under the emergency powers, not only for the safety and tranquillity of the Province but for the safety of India. I think, Sir, that the wording Sir Chimanlal has suggested is far better, if I may say so with due respect, than the one which has been

placed before us in this document for our consideration. I would therefore leave out this wording about the safety and tranquillity of the Province, which may mean undue interference at every step, and give the Governor the emergency powers he requires. Under the constitution he will always consult the Ministers and advise the Ministers and keep in touch with them, but if an emergency arises when the Ministers can be no further use to him he takes the power into his own hands, sets aside the Ministers and takes whatever action he considers necessary. I think on consideration the proposal made by Sir Chimanlal will be found better than the one placed before us in this document.

Lord Zetland : Surely the emergency powers refer to the case where there has been an absolute breakdown of the constitution.

Dr. Shafa'at Ahmad Khan : That is it, yes.

Lord Zetland : Everybody agrees that when that happens the Governor must have clearly defined powers and must be in a position to take hold of the machinery and keep the administration going. That is what is meant by an emergency. Apart from that, it is proposed that in certain circumstances affecting the rights of minorities and the protection of minorities and the safeguarding of the safety and tranquillity of the Province he should have the right of taking action in disagreement with the views of his Ministers. It might be a case of prohibiting a big demonstration. Suppose a big communal demonstration was about to take place ; the Ministers might be unwilling to advise the Governor to prohibit the demonstration ; the Governor might consider that circumstances were such that it was essential in the interests of the safety and tranquillity of his Province that the demonstration should be prohibited ; in those circumstances, and in those circumstances only, he would step in and issue an order that the demonstration was not to take place.

Sir Cowasji Jehangir : That would mean daily interference.

Lord Zetland : No, not daily interference ; we do not have that sort of thing every day. I only remember two serious cases in five years, but they were very important ones.

Sir Cowasji Jehangir : That would mean taking over the administration.

Lord Zetland : No, not at all.

Chairman : Do I understand there is now a division as to whether we leave in the words as to safeguarding the safety and tranquillity of the Province ? I think one Member suggested that these words might come in under emergency powers. I have got a suggestion to make presently, but I should like to dispose of this first. I do not know whether all concerned feel that these words should come under the emergency powers.

Members : No.

Chairman : Or whether they should remain as they are ?

Members : As they are.

Chairman : Remain as they are. Now, does any one oppose their remaining as they are ?

Members : Yes, it is opposed.

Sir Cowasji Jehangir : Yes, I know it will not work.

Chairman : I do not want to test the meeting. You see there are three or four who say they are opposed to it.

Mr. Barooah : I oppose it.

Sir P. C. Mitter : I would like to keep it as it is ; I think it is safer.

Chairman : " This duty shall include the protection of minorities and the safeguarding and tranquillity of the Province." You do not feel that he should have that duty imposed upon him ?

Members : As it stands.

Chairman : As it stands ?

Members : Yes.

Chairman : The majority seem to favour that. Now may I make a suggestion ? We have dealt in the latter part of this last section with administration, legislation or finance. I do not know whether these words should come in twice, but it has been suggested to me that it might be advisable to take the words out there and put them in under the special and emergency powers in the following manner : " There shall be vested in the Governor (1) suitable powers in regard to legislation and finance necessary for the discharge of the specified duties imposed upon him by the Constitution."

A Member : There is no question of finance.

Chairman : Yes, there is " finance " in the second line with which we have just been dealing : " and (2) suitable emergency powers to carry on the administration in the event of a breakdown of government or the Constitution. The powers under (2) shall not remain in operation for more than six months without the approval of Parliament expressed by a resolution of both Houses." If you accepted that, it would mean that (*d*) would come out and the words " administration, legislation or finance," instead of being in (*c*), would go into (*d*) ; the present (*d*) would come out entirely. That would be an amalgamation of those two ideas under this new section. I will read it again : " There shall be vested in the Governor (1) suitable powers in regard to legislation and finance necessary for the discharge of the specified duties imposed upon him by the Constitution, and (2) suitable emergency powers to carry on the administration in the event of a breakdown of government or of the Constitution." Now you see you are getting right back to the old (*d*). " The powers under (2) shall not remain in operation more than six months without the approval of Parliament expressed by a resolution of both Houses." I may say that after I got my report out, it was pointed out to me that this would be a much better way of dealing with it than the method that I had adopted, and I should like to hear the views of the Committee upon the suggested change.

Sir Robert Hamilton : May I ask with regard to that if it would cover the point which I intended to raise in my amendment, which was to refer particularly to the powers of the Governor to restore demands for grants, which we have not really referred to, but I take it that amendment will now cover it ?

Chairman : Yes, that would cover it. Now that is a suggestion I put forward here for the improvement of the report. I would like to hear your views on it. It disposes of one of Sir Robert Hamilton's amendments.

Sir Chimanlal Setalvad : Under the proposed wording, the Governor will have the power to restore grants rejected by the Council ?

Chairman : Only in the exceptional circumstances of a breakdown. He must have the power ; somebody must carry on. It is only in the event of a breakdown, so far as I can see it.

Sir Chimanlal Setalvad : We might transpose these words : " In the event of a breakdown of government or of the Constitution, there shall be vested— "

Chairman : I am not a lawyer, and I am not going to accept a change like that until somebody advises me legally as to the effect.

Lord Zetland : Mr. Chairman, if you tell us that that is the suggestion of a constitutional lawyer for the draft, I have no objection. I was myself quite satisfied with the report as it stood, but if you tell us that the constitutional draftsmen say that that would be a better way of drafting the same thing, I have no objection to raise.

Chairman : Yes, I emphatically say that I have been so advised.

Lord Zetland : Then cannot we accept that ?

Chairman : I would like to see it accepted ; and if anybody has any doubt about it, he can raise the point in the Committee when the report comes up after having had time to consider it.

Sir Chimanlal Setalvad : All I am suggesting is really a verbal change not affecting the meaning of it at all.

Chairman : But I cannot accept that. We have too much experience of drafting, even if we are not lawyers, to prevent us from lifting the heart of a thing and putting it at the top.

Sir Chimanlal Setalvad : Then I will point out the difficulty which arises. As drafted it runs thus : " There shall be vested in the Governor (1) suitable powers in regard to legislation and finance necessary for the discharge of the specified duties imposed upon him by the Constitution, and (2) suitable emergency powers to carry on the administration in the event of a breakdown of government or the Constitution ". I understood from you, Sir, that both these things are to happen in the event of a breakdown of government.

Chairman : No, no. The first thing you have got to consider is this : What are the powers necessary for the discharge of the specified duties imposed upon any Governor by the Constitution ? That is the first thing you have got to do. When you have cleared that up, then you can get on to the other, because there are two definite subjects here. Now, does he need the assistance of legislation and finance under any ordinary circumstances for the discharge of the duties specified, or the specified duties imposed upon a Governor by the Constitution ?

Sir Chimanlal Setalvad : If that is so, it is much too wide a power. In the first place, we do not know what are the duties imposed upon him by the Constitution. You here give him power to legislate and to finance anything in order to discharge the duties imposed upon him by the Constitution.

Lord Zetland : Yes, only in those cases.

Sir Chimanlal Setalvad : What are " those cases ". I want to know.

Lord Zetland : They have been laid down in the paragraph before, the paragraph we have been discussing.

Chairman : In the previous paragraph we have laid it down that it will be part of his duty to safeguard the tranquillity of the Province ; it will be his duty to protect the minorities. There are two very definite functions that are imposed upon him.

Sir Chimanlal Setalvad : It says those two are included, but you have the general words there : " discharge of the specified duties imposed upon him by the Constitution ". Then you specify two ; but the general words are far wider and may include anything. We want to know what it includes.

Lord Zetland : But surely only if they are specifically imposed upon him by the Act. If I might remind the Committee, Mr. Chairman, there were three heads under which we all agreed that the Governor must have special powers ; one was to carry out any order which is given to him, I think, by the Federal Government. I do not remember the wording, but you remember there were three categories, and it was generally agreed by the Committee that if the Governor was to be in a position to discharge his functions under those three heads, he must have these special powers to enable him to do so.

Chairman : If there is not agreement to accept it, then it will be necessary for me to call upon Sir Robert Hamilton to move his amendment in connection with (*d*), emergency powers.

Sir Robert Hamilton : Mr. Chairman, do I understand that you rule this out altogether ? May I suggest that we might accept it provisionally, have time to consider it, and, if necessary, raise the point later.

Chairman : That is exactly what I suggested, that I hoped the Committee would accept it as it is. Everything has to be fitted in, and if when they read it in the report and consider it they think part of it goes too far, they can raise it in the full Conference.

Mr. C. E. Wood : May we have it again very slowly ?

Chairman : I will read it again with pleasure : " There shall be vested in the Governor (1) suitable powers in regard to legislation and finance necessary for the discharge of the specified duties imposed upon him by the Constitution, and (2) suitable emergency powers to carry on the administration in the event of a breakdown of government or of the Constitution. The powers under (2) shall not remain in operation for more than six months without the approval of Parliament expressed by a resolution of both Houses."

Mr. Joshi : Sir, I cannot accept this at all, because the power is very wide. If the Governor is to be vested with powers of finance, not in an emergency but in ordinary times, to preserve the safety and tranquillity of the Province, it clearly means he can spend any amount of money on police. He may say that he feels that the safety and tranquillity of the Province is endangered if so much money is not spent on the police, and he can spend under this head in ordinary times, every year, without the permission of his Parliament, any amount of money on the police ; it gives him that power. Secondly, I do not know what legislation the Governor can pass without the sanction of his Legislature for the protection of minorities. It is a very wide power that the Governor should legislate on any matter without the consent of Parliament for the protection of minorities. I think, Sir, this power is really very wide and we do not know what it is at all ; it may mean anything.

Sir A. P. Patro : In matters of administration the Governor's interference is absolutely necessary on certain occasions. On matters of finance, under the section the Governor now has got power of certifying. In cases where emergency arises he will have to certify in the interests of the safety and tranquillity of the Province that it is necessary. Now we have to consider, as I said, as practical business men whether this power has been abused ; that is the real test. It is only in exceptional cases that this power is exercised and is necessary ; it is a safeguard only in times of emergency ; in times when there was need of it the Governor would exercise this special power. Therefore as practical administrators we must ask ourselves whether there is any danger in such power being vested in the Governor. If in the past there has been no instance in which this power has been exercised to the detriment of the State, I do not see that we need discuss it at much length. In the present conditions of India, it is necessary that this power should be vested in the Governor. We cannot think that such an emergency would never arise. The Governor is not such a foolish man as to interfere in the day-to-day administration, because he knows that it is a system of self-government, of autonomous government, and his Ministers are responsible to the Legislature ; he cannot butt in every time and say : Here is my power and I will exercise it. Therefore we must as practical business men take it that it will be exercised when danger and emergency arise and there is a need for it.

Sir Chimanlal Setalvad : It is not emergency.

Sir A. P. Patro : Yes ; I am saying that in ordinary circumstances he would not interfere. Has there been an instance in the past in which a Governor has interfered unnecessarily ? There is that extraordinary power now vested in the Governor to certify expenditure in the interests of peace and tranquillity. My friend has referred to the case, for instance, of

police expenditure. For instance, we know the position in Bombay to-day. I do not want to refer to controversial matters, but in Bombay to-day the emergency arises, and the police will have to be strengthened and armed; the Governor will have to strengthen not merely the police, but he will have to make another bandar bast. Would Members here deny that that is a case in which he should exercise his power for the sake of the safety and tranquillity of the country. After all, you must consider that the Ministers in the party system and the communal system that we are going to have in the Legislatures will be influenced not merely by adherence to principles, but also by communal considerations. In such a case what is the position of the Governor if he has not got this power to exercise generally and hold the balance between these communities in order to administer the Province in the interests of the people? Therefore it seems to me, Sir, that as practical business men we are wasting time in discussing this matter.

Chairman: Now, can we agree to the suggestion which has been made that if this be accepted it is to be on the clear understanding that if to-morrow, when you have had the opportunity of considering it further, if you desire to raise it in the full Committee, you are entitled to do so without going against the decision of this Committee?

Sir Chimanlal Setalvad: No, Sir, we do not want to be placed in the position of having to raise the question in the Committee. Let it be considered here.

Chairman: But we are considering it here; I have listened to several speeches and we must get a decision; we cannot wait upon the one point all night. I do not like it to be said that it should be considered here when we are doing nothing else but considering it.

Sir Chimanlal Setalvad: It is a matter of such importance to my mind that if you give these vague and wide powers to the Governor, you will be striking at the root of the responsibility which you want to establish. With all deference to my friend, Sir A. P. Patro, it is a very poor argument to ask:—Has the power been abused in the past, and to say you must trust the Governors. That is not the question. You must not clothe a person or authority with power which may be abused. It is no use saying that under certain other circumstances he has not abused the power and therefore you must vest him with that power. The proposal here is not to vest him with this power only when an emergency arises, but ordinarily in the day-to-day administration he is to have the power of legislation and of finance in the discharge of what are called the specified duties imposed upon him. One of the specified duties imposed upon him, as has been pointed out by Mr. Joshi, is the protection of minorities and various other things. So that he will be at liberty to spend any amount of money he chooses on the protection of minorities or on any other thing. With regard to law and order, my friend Sir A. P. Patro always speaks of the ministers as being people who will have no regard to the tranquillity of the Provinces at all. If you have no confidence in your Ministers, why do you waste your time forging this constitution? We are proceeding on the footing that the Ministers will be responsible people who will do their duty properly and in the right way. Therefore I submit, Sir, that the powers proposed here are much too wide to be given and we cannot assent.

Dr. Shafa'at Ahmad Khan: Sir, I very strongly support the proposal which has been made that the powers should be conferred on the Governor with regard to administration, legislation and finance. I am surprised that a question of such a non-controversial nature should be the subject of comparatively controversial speeches. The point at issue is this:—Will the Governor abuse the powers that are going to be conferred on him? Before we can reply we must ask ourselves whether he ever has abused them in the past. I do not know a case of any Province where the powers regarding safety and tranquillity, that portion dealing with the clause in the Government of India Act, have been abused. They have not been abused in the United Provinces, the Punjab nor in any other Province that I know of. Will it be done in the future? I should like you, Sir, to visualise the position of the Governor say in the year 1932 or 1933 under the new regime. In the new regime the Governor will be guided mainly by a unified ministry—a ministry which will really carry on the administration of the whole country, and the Governor will not have those powers which he exercises now. He would be a very rash man who would take any action that went counter to the wishes of the ministry as a whole. If he did do that he would be subjected to criticism in the Legislature, outside the Legislature, and throughout the Province. I do not think, therefore, that the powers which are now proposed to be given are excessive. I think any Governor worth his salt will consider very carefully the measure which he is going to propose before he uses the safeguards which you propose to give him.

Chairman: I have already made the suggestion, but I understand that one or two dissent from it. Do they press their dissent? (Cries of "Yes.")

Sir Abdul Qaiyum: If the difficulty is only as to finance, the finance will only be needed when the Governor is exercising those special powers. Am I to understand that the Governor is not going to be allowed the power of spending money in times of emergency? If so, I cannot understand it. I think some powers must be given to the Governor if he is to keep peace and tranquillity in the country, and he must be given powers to spend some money under those circumstances. Otherwise, if you do not give him the money to spend he cannot carry out those duties.

Chairman: If the dissent is insisted upon, the only way we can settle this is to say in the notes that some members dissented from the first part of No. 1 of this clause. That would safeguard their rights to raise the question in the full Committee. With that explanation, will members be prepared to accept this? (Cries of "Yes.")

The next matter is this. The sub-Committee suggests a rider that in their opinion it is desirable that the present rigid convention in the Provinces other than the Presidencies of appointing Governors drawn from the Indian Civil Service should be relaxed. I have an amendment by Mr. Paul that the word "relaxed" be deleted, and that the word "discontinued" be inserted.

Mr. Paul: I have undertaken a task which is rather delicate, because I have a good many friends in the Civil Service for whom I have a very great respect. It is no small circle either, and yet I do not recall one single member to whom I would not take off my hat for his conscientiousness and even extreme solicitude for the welfare of India. Therefore it is with due deference to them all that I wish to move this amendment. I wish to place two considerations before you. The first is that hitherto the member of the Indian Civil Service who was appointed to the Governorship usually went up all the rungs of the ladder. He generally became a member of the Executive Council, gaining experience in administration in various departments on his way up. In that way he became prepared for his post in many ways. Under the new arrangements, which will be put down even in this document which none of us consider perfect, the number of members of the Indian Civil Service who will be able to go up to the top rungs of the ladder will be extremely small; in fact the provision of an official minister has not been accepted by this sub-Committee; it has only been included in a minute of dissent. I quite realise it might come into the Act. If it does come into the Act, or in the instructions or in the rules, it will be very few who will get that opportunity. Then what will be the result? Any member of the Indian Civil Service who is appointed Governor will be, so to say,

promoted, using ecclesiastical language, *per saltem*. He will have to jump over many rungs which otherwise he would have had to ascend. Merely to say that will be immediately to show anyone who knows anything about India the inadvisability of such a procedure. To promote a Commissioner, or a Chief Secretary, or a Member of the Board of Revenue, or the head of a department, to the position of Governor of a Province is, I think, extremely unwise and injudicious.

Then I have another argument to place before you, which is even more weighty. It is a matter of principle. I want to refer now to a statement appearing in the letter which was published in this morning's "Times," from H.H. the Maharaja of Bikaner. This is the statement: "Does anybody in his senses believe that this articulate India, embracing I am convinced the great majority of thinking people, can be content with permanent subordination to a bureaucratic system of Government?" His Highness was not thinking of this particular point which I am trying to make now, but it has a very definite and direct bearing upon the point which I am trying to make. The Governor of a Province is called upon on important occasions (and those occasions are not infrequent) to be able to dominate the machinery which has been perfected by the Civil Service in my country. It is the most powerful machinery in the history of the whole world. There is no parallel to it anywhere in any age. It is that which we call the Bureau. A Bureau need not be a bureaucracy. It becomes a bureaucracy when the hierarchy reaches up to the top position, and is then vested with extraordinary powers normally and in emergency times. It is that which we want to prevent. I may say candidly that we are trying not to get any diminution in the connection of Britain with India, but we do want relief from the bureaucracy of India. I submit it will be impossible, taking human nature as it is, for a member of the Civil Service, when he is placed in the position of Governor, to be independent of the traditions and of the atmosphere of all that is demanded of that whole group. It is there that we want the help of Britain hereafter. We want Britain to contribute to us not through the Service as it has been contributing, but we want it to contribute more and more—not less and less—what it can through the statesmanship which is available in this country.

Sir C. Setalvad: I beg to support what Mr. Paul has said. I had myself given notice of a similar amendment which read: "The sub-Committee are of opinion that no member of the permanent Services in India should be appointed as Governor of any Province." The draft does not represent the views that were expressed when this matter was discussed in this sub-Committee. So far as I could then gather, the larger volume of opinion was in favour of having no Civil Service Governors in the future, and when I spoke then I gave the reasons. I do not want to repeat them, but the fact remains that a Civil Servant, though a very efficient administrator, has been brought up in the traditions of the Service and is so much a part of the machine that his outlook is not wide enough for that of a Governor of a Province. Therefore it is to the advantage of India and to the smooth working of the new constitution, that you should have as Governors people from public life sent out from England. We know in practice what a great difference it made to Bengal, for instance, when the Lieutenant-Governors disappeared and Governors like Lord Zetland were sent out to India. We want administrators of that type to be sent out as Governors and not to have such people, efficient though they may be, as Civil Servants with no wider outlook than they have. I strongly support the amendment.

Chairman: I ought to say that I cannot quite agree with the last speaker that his version of what took place in the sub-Committee is superior to the version of the Chair. When I said it should be relaxed, I thought I was accurately representing what took place during the discussion. It is no advantage to me to take one side or the other.

Sir C. Setalvad: I did not suggest that.

Chairman: I beg your pardon. You definitely challenged the Report on this point. I thought there were one or two speakers who took the opposite line to what has just been taken by the last speaker. Therefore what could I do but sort of gather up the position and take what might be called the centre position, and say that the position should be relaxed? Why did I do that? I could conceive that there might be very serious difficulty in getting all the Commissioners that might be required from outside the Service. There might be an odd case, and all I wanted was that there should be some slight provision to meet that possibility. However, if there is now a strong view in the sub-Committee that it should not only be relaxed but discontinued—that on no occasion should it be otherwise than what the two last speakers have laid down—then of course the Report will be altered to suit that, but I have yet to find that that is the view of the majority of the sub-Committee.

Sir Abdul Qaiyum: Why should there be a distinction made between the poor Civil Servant and any other individual? Any private servant, or a sweet seller or a barber can stand for the Assembly and be elected, and may possibly become a Minister in a Province. There are some members in some Provinces who are barbers and sweepers, who may yet come to the Ministry and who may possibly become Chief Ministers, and perhaps the Government of India might like to put one of them in as Governor. Yet the poor Civil Servant must not have that aspiration and that hope of becoming a Governor one day. I do not think we should put the poor Civil Servant under such a disadvantage.

Lord Zetland: Here again I only rise to ask for a little discretion. I quite appreciate the force of all that Mr. Paul said on this subject; but when he said that in future there would be no Indian Civil Servant who would be a member of the Executive Council, there will, I think, for some time to come be men of great experience at the headquarters of the Government of India who would undoubtedly be well fitted to hold the position of the Governor of a Province. While I should be quite prepared to say that it should not be regarded as a right that a member of the Civil Service should look for a Governorship in so many Provinces, I would support what the Chairman has said and say that there may be certain cases in which it would be to the great advantage of the Province itself that a member of the Indian Civil Service should be appointed as Governor. I would prefer, therefore, some such wording as that which is already in the Report.

Chairman: Is this amendment pressed? (*Yes!*) In that case we will have again to say that there was a section of the Committee which dissented to the principle being relaxed and that they desired to have it discontinued.

With these amendments, No. 6 stands part of the report.

With regard to No. 7, I have only amendments to (*d*). I hope we shall be able to finish to-night. On (*a*), the size of the Provincial Legislatures, there is no amendment; on (*b*), their lifetime, there is also no amendment. On (*c*) I think there is an amendment by Sir Chimanlal Setalvad.

Diwan Bahadur Ramachandra Rao: On (*b*) may I suggest that "four" be substituted for "five"?

Chairman: No, I think there was a general feeling that we should make it a maximum of five. That leaves you room within the five to make it four or three if you get agreement. It is only that this shall be the maximum; that is all.

Sir Chimanlal Setalvad: With regard to (*c*), the draft gives power to the Governor to nominate any non-officials where certain groups or interests are unable to return their own members through the polls. What I want to propose now is what I indicated before when speaking on another clause, namely, that instead of giving power to the Governor to

nominate where, in his opinion, any particular interest or minority is not represented, he should call on the already elected Council to co-opt a certain number to represent those interests.

Dr.Ambedkar : No.

Sir Chimanlal Setalvad : Objection was taken to that on the ground that those people who are in a majority in the Council will co-opt their own men. That can always be safeguarded against by having a proportional vote system such as obtains at present in many Legislatures, with the result that only a few people—six or seven— if they combine are able to get their own men in. That is my amendment. That would do away with the system of nomination altogether, and you would get in by the method of co-option the interests or minorities which had been left out.

Chairman : What are the words you wish to change ?

Sir Chimanlal Setalvad : I would delete the first part.

Chairman : How far down ? It says " With the possible exception of a strictly limited proportion of non-officials who may in some Provinces require to be nominated by the Governor to secure the representation of groups unable to return their own members through the polls." Would you take the whole of that out ?

Sir Chimanlal Setalvad : I would delete all that down to the word " polls."

Chairman : The amendment is to delete all the words from the beginning of (*c*) down to the word " polls " inclusive, so that it will begin " The new Provincial Legislatures should consist wholly of elected members, and the official bloc should disappear," and it would go on, " provided that if in the opinion of the Governor any minority or interest has failed to secure representation, the Governor may direct the Council to supply the deficiency by co-option, but the total number as co-opted shall not exceed ....".

Sir Chimanlal Setalvad : There you will insert some number.

Chairman : Well, what number ?

Sir Chimanlal Setalvad : Any particular number— 5, 6 or 10.

Chairman : It is not for me to complete your amendment ; my business is to complete the report.

Sir Chimanlal Setalvad : Then I will name a figure; I will say five ; but with regard to the number I am quite prepared to accept any alteration which may seem desirable to the sub-Committee.

Chairman : Let us get it clearly before us. As in the document before us, it reads " With the possible exception of a strictly limited proportion of non-officials who may in some Provinces require to be nominated by the Governor to secure the representation of groups unable to return their own members through the polls." These words all have to be deleted, and the paragraph is to be made to read " The new Provincial Legislatures should consist wholly of elected members, and the official bloc should disappear, provided that if in the opinion of the Governor any minority or interest has failed to secure representation, the Governor may direct the Council to supply the deficiency by co-option, but the total number as co-opted shall not exceed five."

A Member : On a point of information, does the hon. member mean the co-option will take place after the first meeting of the Council, and that until then the Council will not be complete ?

Sir Chimanlal Setalvad : The Council will be complete when the co-option takes place. You have at present co-option in Bombay in various bodies ; those elected sit together and co-opt other members.

Sir Abdul Qaiyum : When a point has been raised in the general discussion and defeated, is it in order to bring it up again in the form of an amendment and have it discussed again ?

Chairman : It is difficult to exclude anything that comes up on this point, but strictly speaking I think you are correct ; when something has been brought up and it has been found that the general sense of the Committee is against it it should not come up again. I claim that in (*c*) I did endeavour to interpret what I thought to be the general sense of the sub-Committee.

The amendment is before you ; does anybody wish to support it ?

Dr. Ambedkar : I am afraid I shall have to oppose this amendment. First of all, such experience of co-option as we have had in Bombay is not very encouraging. It has developed into the worst sort of scandal ; the amount of corruption and bribery that take place are such that I for one should not like to introduce this principle in the constitution of the Legislature of Bombay.

A further objection is this. If the various communities that do not find themselves elected at the polls are to get representation of a real sort, representation which is independent of the influence of any other community, I think co-option is a principle which is certainly not going to help them, for it may very well happen that when representatives of the various communities stand for co-option only those will be in fact co-opted as may happen to be subservient to and willing to play into the hands of the majority. It seems to me this would be worse than no representation at all, and I am afraid on that ground I must oppose the amendment. But I submit, Sir, that this sub-Committee ought to make a recommendation that the future constitution of the Provincial Legislatures should be such that there should be no nominated members at all.

Diwan Bahadur Ramachandra Rao : That is far better, of course.

Dr. Ambedkar : That is my own view of the matter. I am certainly opposed to co-option.

Diwan Bahadur Ramachandra Rao: I agree that some statement that the Legislature should be wholly elected ought to be inserted in this report, and unless some such indication is given of the views of this sub-Committee the nominated element will continue, though I believe it is the desire of most of our members that it should disappear. A statement to that effect ought to find a place in the report. I have no doubt whatever that every one of us is quite alive to the evils of nomination, and we are anxious it should disappear as early as possible. Under these circumstances I am not prepared to support the amendment, and I would favour the proposal made by my friend, Dr. Ambedkar.

Chairman : What was the proposal ? I have no words here.

Dr. Ambedkar : We should say it is the view of the sub-Committee that hereafter the Legislative Councils in the Provinces should be wholly elected.

Chairman : That is another amendment altogether; you will have to send it in in writing if you want to move that.

Mr. Joshi : I am opposed both to nomination and to co-option of members of those communities that cannot come in by election. Personally, I do not think there should be any difficulty in devising some method by which communities shall secure representation, and if some communities are so small that no representation can be reserved for them, the best course will be for them to seek the goodwill of the community generally and secure election through the general constituencies. I do not know whether we are going to do away with general constituencies altogether ; that question has not yet been discussed. Of course, if all the seats are divided by Hindus,

Muhammadans, Jains, Buddhists and Sikhs, it is certainly true that difficulty may arise in the case of some people who, like myself, are unwilling to be styled Hindus or Muhammadans; we shall find it difficult even to vote. It will be much better, therefore, if when we frame our constitution we make provision for people who will not belong to the big communities for which reservations are made, so that they may have some representation. Those communities should get themselves elected by constituencies, but it is wrong to try to secure representation for those communities by nomination.

Co-option is equally objectionable. If you have five seats to fill by co-option to represent five communities, proportional representation will not be any use.

Dr. Shafa'at Ahmad Khan : Quite useless.

Mr. Joshi : Because there will be five different people to be nominated, and therefore it will be the majority that will appoint all the five. That is inevitable, and if the majority selects all the five it is going to strengthen its position by co-option. I therefore think that both nomination and co-option are objectionable, and the Councils should consist only of elected members.

Sir A. P. Patro : I think a certain amount of nomination is needed at present and will be needed for a number of years. I do not say that nomination will be needed to the full extent to which it is at present or that it will be required as a permanent measure, but nomination is required for a temporary period, as otherwise it will not be possible, with the present organisation of our classes and communities, for all the minorities to be properly represented in the Legislatures.

My friend Mr. Joshi is idealistic; he says the communities must seek support from the general electorate. However, a little experience in elections in the rural areas will show that a minority community has absolutely no chance of being returned, however important it may be and however weighty its interests; it has not a chance of coming in. It is in order to fill up such deficiences that it is necessary that there should remain to a small extent the power of nomination, as recommended in the Despatch of the Government of India and in the Report of the Simon Commission. It should not be used to the extent it is to-day, but a certain proportion will be needed to make up these deficiences and meet the difficulties. We cannot make it wholly elective at present. That should be the ideal, and we should gradually work up to it; I entirely support the idea that in course of time that ideal should be realised, but in the present conditions of the country and of society it is necessary that there should remain some element of nomination, and that element has already been recommended in the Despatch of the Government of India.

Chairman : I will take your decision on this point.

Raja Narendra Nath : I support Sir A. P. Patro. I think the power of nomination should be strictly confined to the representation of interests which cannot be given by election.

Dr. Shafa'at Ahmad Khan : Yes.

Raja Narendra Nath : There may be in certain Provinces some communities, such as the one to which Dr. Ambedkar belongs, for which it would be impossible to arrange election.

Dr. Ambedkar : I should not have anything to do with a constitution which did not provide the franchise for my community.

Raja Narendra Nath : The franchise will have to be arranged on a very different basis if it is to be provided for the community to which Dr. Ambedkar belongs, and therefore a limited power of nomination should be provided.

Chairman : It seems to me the majority of the sub-Committee is in favour of clause (*c*) as it stands in the Report.

We will now come to the last clause (*d*), to which I have two or three amendments. The first is by Sir P. C. Mitter.

Sir P. C. Mitter : I beg to move certain changes in the last sentence. After the words " but the decision to incorporate a Second Chamber in the new constitution of any province " I suggest the addition of the words " other than Bengal, Bihar and Orissa and the United Provinces," and at the end, after the word " course," I suggest adding the following: " In the three Provinces mentioned the method by which the Upper House should in each instance be composed should be left to further investigation by the Franchise Committee, and after such investigation these Upper Houses should be set up at the outset of the new system." I am trying to get the recommendation of the Government of India adopted. The Government of India, on page 21 of their Despatch, say: " The matter seems to us to be peculiarly one in which regard should be had to local conditions." For that reason, before I take up the local conditions in all the three Provinces I have mentioned, I desire to bring to the notice of my colleagues here something about the local conditions in my own Province of Bengal.

The reason why I am drawing the attention of members here to the local conditions in my own Province is that I desire that my friends, such as Sir Chimanlal Setalvad and Diwan Bahadur Ramachandra Rao, will give that sympathetic consideration to the local conditions in my Province which I expect from them.

It is well known that in Bengal, from the days of the Swadeshi agitation and for more than fifteen years, there has been a strong body of opinion, which has gradually grown in volume; there is a large number of unemployed youth in the country who have come to the conclusion that there is no evolution worth having through the British connection. They may not to-day be large in numbers, but at elections they do dominate.

Moreover, in Bengal we have people who belong to the revolutionary party elected as members of our Legislature. Before the last Congress passed its independence resolution, and before a certain section of the members of our Legislature resigned, we had amongst others representatives of the revolutionary party from certain important constituencies such as the city of Dacca and the municipality of Hooghli. (Sir P. C. Mitter mentioned two names, and added " I mention names to show you that I am stating facts.")

I can quite understand that those who proceed on theoretical considerations may not like the idea of a Second Chamber, but I appeal to you whether you do not want to advance on constitutional lines. If we do want to advance on constitutional lines, if I place before them the contingency that there is likely to be a large body of members who will obstruct the constitution for the purpose of carrying out the ideal of independence instead of the British connection, I am sure none of my friends gathered round the table here will be in favour of it.

But you may say: Why do you apprehend that? You may say: Why should not those who get the right to return members be satisfied to proceed on constitutional lines? I will tell my friends not only from my personal experience but from events which have happened. In the 1923 elections my friends know very well that the father of Nationalism in India, Bannerjee, was defeated by six to one by a gentleman who was then comparatively unknown. In that election the Advocate-General of Bengal was defeated by ten to one by a gentleman who is even now not known to you. Those are not the only two instances; there are many other instances which I could place before my friends. Now if we all desire constitutional advance, the very existence of a Second Chamber will check the desire for independence. Mr. Chairman, may I have one minute more?

Chairman : One minute.

Sir P. C. Mitter : For that reason, and for another, namely, that the Government of India, the Government of Bengal and the Committee which was appointed by the Legislative Council all recommend this, it is very necessary that in my Province there should be a Second Chamber. One word more and I have done. If, Sir, you leave it to the legislature of the future, I think it is against human nature to expect that if that contingency happens, namely, resort to obstruction in order to secure separation from the British Empire, the Legislature will ever possess a Second Chamber. You cannot expect that legislature to give us a Second Chamber. In consideration of these facts I would once more appeal to those who are opposed to this to give us a chance of evolving on constitutional lines.

Chairman : I want to remind the Committee that this matter was discussed during the general discussion and I do not want second reading speeches over again.

Raja Narendra Nath : I just want to say that the amendment that stands in my name is substantially the same as that on which Sir P. C. Mitter has spoken.

Chairman : That is right.

Raja Narendra Nath : I want to say that when the reports of Local Governments and the despatch of the Government of India show that there is a demand for such an institution in certain Provinces and the Local Governments and the Government of India also support that demand, this Committee ought to be in a position to recommend it. I would appeal to those of my friends who are opposed to the suggestion to consider the situation. Sir P. C. Mitter has given some very good and sound reasons for the creation of a Second Chamber in Bengal, and those reasons apply, with somewhat modified force I should say, to Bihar and the United Provinces also. In these three Provinces where the recommendation has been made I hope the Committee will reconsider its position and will make a unanimous recommendation in favour of the creation of a Second Chamber. Sir P. C. Mitter has very wisely made a suggestion with regard to the composition of the Second Chamber, and has left that question to be determined by the Franchise Committee. I think the Franchise Committee will see that adequate representation is given to interests other than those of landlords, and that the landlord interests do not become predominant in the Second Chamber.

Chairman : I hope you all understand the amendment which has just been moved. I have another amendment which says: Omit everything after first sentence and add :—" But if in any Province the Legislature under the new constitution decides by a two-thirds majority that a Second Chamber is necessary, steps should be taken to constitute such Chamber by the introduction of a Bill in the Federal Legislature defining the constitutional powers of such Second Chamber." May I say that I have had to give a good deal of consideration to this part of the Report; I endeavoured to give very carefully what I thought was the position of the Committee. We recognised, as we say, that conditions in some Provinces may make it desirable that the provincial legislature should be bicameral. There you see we have made it quite possible for this to be applied; but the decision to incorporate a Second Chamber in the new constitution of any Province should not be taken unless opinion in the Province definitely favours this course. I think we have taken what might be described as the middle course, but I shall have to allow the discussion to proceed unless there is a general desire that we should specify, in the words of the first amendment, Bengal, Bihar and Orissa and the United Provinces; and then at the end add: in the three Provinces mentioned the manner in which the Upper House should in each instance be composed should be left to further investigation by the Franchise Committee, and after such investigation these Upper Houses should be set up at the outset of the new system. That is the position.

Lord Zetland : Mr. Chairman, I should like to support Sir P. C. Mitter in the proposal which he has made, for this reason: If you are going to leave it to the Province to express through its newly elected Legislative Council under the new constitution its views on the question whether there should or should not be a Second Chamber, I am afraid you are going to load the dice rather heavily against the second Chamber. Because the position will be this: the members of the new Legislative Council will have just come together flushed with their victory at the polls, and it is very unlikely that they are going to propose anything which in their opinion will in any way detract from their own status and importance. Therefore they will naturally be very much disposed to vote against a Second Chamber. But since it has already been stated very clearly that in these particular Provinces there is a general desire to have a Second Chamber, I think we ought to give those Provinces the chance of getting one which they would have if the suggestion put forward by Sir Provash Mitter is accepted. Therefore I support it.

Sir Robert Hamilton : Mr. Chairman, may I just add one word? Since this matter was last discussed by the Committee I have seen reason to change the views which I then expressed. I have discussed the matter with my colleagues, the Liberal Delegation, and the opinion there is that with regard to those three Provinces to which Sir Provash Mitter refers, it should definitely go as a bicameral legislature. I think I should let the Committee know that I have changed my views to that extent, because I said before that I thought it ought to be left to the newly elected legislators to say whether they should be bicameral or unicameral.

Chairman : Let me read it as it would be in the event of our accepting the first part of this amendment: "The existing Provincial Legislatures are unicameral. The Sub-Committee recognises that conditions in some Provinces may make it desirable that the Provincial Legislature should be bicameral; but the decision to incorporate a Second Chamber in the new constitution of any Province, other than Bengal, Bihar & Orissa, and the United Provinces, should not be taken unless opinion in the Province definitely favours this course." Now that does not read very well but you could leave the drafting to be done afterwards. Is there any objection to the insertion of the words :—" Applicable to these three Provinces that have been stated ? "

Members : No.

Mr. Joshi : Yes, certainly we object.

Chairman : There seems to me to be a majority of the Committee against the insertion of the words.

Mr. Barooah : I support it, Sir.

Chairman : In order that I may be guided, may I ask the Committee to indicate by a show of hands whether they desire this reference to these three Provinces to be inserted. In favour please show :—10. Against :—7. Now that is the position. I think we shall have to put a note in to say that these words were added by a vote of 10 in favour and 7 against.

Lord Zetland : Mr. Chairman, will you do that, because we have had no voting ? Will you say :— a majority ?

Chairman : Well, I will say: a majority. I do not want to be unfair. It is the nearest that we have had to equality; we have not had anything so near; but I am quite prepared to say that this decision was only reached by a majority of the members; and then anybody will be entitled to ask what the numbers were.

Now the next is :—" In the three Provinces mentioned the manner in which the Upper House should in each instance be composed should be left to further investigation by the Franchise Committee, and after such investigation these Upper Houses should be set up at the outset of the new system." Is there any objection to these words being added ?

Sir A. P. Patro : It is quite unnecessary.

Chairman : Is this part of the amendment pressed ?

Sir P. C. Mitter : I am quite prepared to leave it.

Chairman : Yes, you had better be satisfied with your victory. Now I have still another amendment. I hope we shall get on, because my time is going very fast. I do not know whether you are prepared, in view of the decision which has been taken to press this.

Sir Chimanlal Setalvad : How does it stand now, may I know ?

Chairman : It merely stands that you want to omit everything after the first sentence.

Sir Chimanlal Setalvad : I want to know what has been done up to the present, how the clause stands now.

Chairman : Subject to drafting, in the last line but two, after " any province ", we insert the words :— " with regard to Bengal, Bihar & Orissa, and the United Provinces ". That is all the change we have made.

Sir Chimanlal Setalvad : With regard to any other Province, the original remains, that it will not be taken unless the Province definitely favours it ?

Chairman : Yes, it should not be taken unless opinion in the Province definitely favours this course. I think that should meet you.

Sir Chimanlal Setalvad : Yes.

Very well, with this amendment this clause stands part of the Report. I think you want to make a statement, Mr. Chintamani.

Mr. Chintamani : It is before you, Sir.

Chairman : Do you desire me to read it to the Committee ? I have not read it myself, and therefore I asked you first. It is as follows :—

> " The Report as approved by the sub-Committee so dilutes the responsibility of the Provincial Government to the Legislature by vesting large powers in the Governor that the undersigned members are obliged, much to our regret, to dissociate ourselves from several parts of it to which we attach importance. We reserve ourselves the liberty of re-opening the issues in full Committee and if necessary in Plenary Session. We request you to be so good as to cause this to be brought on record at the conclusion of the report."

Then follow eight names, who dissent from the Chairman's Report.

Mr. Chintamani : As long as the dissent is recorded that will quite serve our purpose.

Chairman : Do I understand that you are agreed that the opposition is to one point only ? Would it be all right if at the end of that point we insert " The following expressed their dissent " ?

Several Members : That is all we want.

Chairman : These names will be inserted in the proper place. Subject to that this report as amended, and with the dissents recorded, will be presented to the Chairman of the Conference with the object of having it submitted to the meeting to-morrow. Is that agreed ? (Assent.)

(The sub-Committee adjourned at 6.35 p.m.)

SUMMARY OF THE PROCEEDINGS OF THE SIXTH MEETING OF SUB-COMMITTEE No. II (PROVINCIAL CONSTITUTION) HELD ON 31ST DECEMBER, 1930.

The following* were elected as members of a sub-Committee to co-operate with the sub-Committee appointed by sub-Committee I (Federal Structure) to consider the allocation of subjects not already classed as Federal, between the Centre and the Provinces.

Lord Zetland (Chairman).
Mr. Zafrullah Khan.
Nawab of Chhitari.
Mr. Joshi.
Dr. Ambedkar.
Sir A. P. Patro.
Raja Narenda Nath.
Sir Chimanlal Setalvad.

* See Appendix No. 1 to the Second Report of sub-Committee No. I (Federal Structure) (Part I, page 282).

Sub-Committee No. II (Provincial Constitution).

REPORT PRESENTED AT THIRD MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE HELD ON 16TH DECEMBER, 1930.

1. The following report, subject to adjustment to the complete constitution, is submitted by sub-Committee No. II.

2. The sub-Committee was appointed to consider two heads of the Lord Chancellor's list, namely—

(*a*) The powers of the provincial legislatures.

(*b*) The constitution, character, powers, and responsibilities of the provincial executives.

3. The sub-Committee met on the 4th, 5th, 8th, 9th and 15th December. The proceedings on the first and second days comprised a general discussion of the problem. On the succeeding days particular issues were separately considered and examined. The Chairman ruled that the size, lifetime, number of chambers of the provincial legislatures, and the question of the official bloc might also be discussed as germane to the sub-Committee's Terms of Reference.

4. *The Abolition of Dyarchy.*—The sub-Committee is agreed that in the Governor's provinces the existing system of dyarchy should be abolished and that all provincial subjects, including the portfolio of law and order, should be administered in responsibility to the provincial legislatures. (*See* note at end.)

5. *The Composition of the Provincial Executives.*—(a) *Joint Responsibility.*—The sub-Committee recommends that there should be unitary executives; and that the individual Ministers composing the executive should be jointly responsible to the legislature.

(*Raja Narendra Nath awaits the report of the Minorities sub-Committee before agreeing finally to joint responsibility.*)

(b) *The appointment of Ministers.*—The responsibility for appointing Ministers will rest with the Governor. The sub-Committee is of opinion that in the discharge of that function the Governor should ordinarily summon the member possessing the largest following in the legislature, and invite him to select the Ministers and submit their names for approval. The Ministers should ordinarily be drawn from among the elected members of the provincial legislature. In the event of the appointment of a non-elected non-official, such person should be required by statute to secure election to the legislature (and if the legislature be bicameral, to either chamber) within a prescribed period not exceeding six months, but subject to this limit he may be nominated by the Governor to be a member of the legislature. The sub-Committee is of opinion that there should be no discretion to permit the appointment of an official to the Cabinet.

(*The Marquess of Zetland and Sir Robert Hamilton dissent from the last two sentences.*)

(c) *Group or communal representation in the Cabinet.*—The sub-Committee considers it a matter of practical importance to the success of the new constitutions that important minority interests should be adequately recognised in the formation of the provincial executives. An obligation to endeavour to secure such representation should be expressed in the Instrument of Instructions to the Governor.

(*Mr. Chintamani dissents from the last sentence.*)

6. *Powers of the Governor.*—(a) *In regard to legislature.*—(1) The Governor shall have power to dissolve the legislature; he may assent or withhold assent to legislation; he may return a bill for reconsideration by the legislature, or reserve it for the consideration of the Governor-General.

(2) It shall not be lawful without the previous sanction of the Governor to introduce any legislation—

(i) Affecting the religion or religious rites of any class or community in the Province;

(ii) regulating any subject declared under the constitution to be a federal or central subject;

(iii) any measure repealing or affecting any Act of the federal or central legislature or Ordinance made by the Governor-General.

(b) *Conduct of business.*—(1) The Governor shall, with the knowledge of his Ministers, be placed in possession of such information as may be needed by him for the discharge of duties imposed upon him by the constitution.

(2) In the opinion of the sub-Committee, the Chief Minister should preside over meetings of the Cabinet; but on any special occasion the Governor may preside.

(c) *Relations of the Governor to his Ministers.*—(1) The Ministers shall hold office during the pleasure of the Governor.

(2) Sub-section 3 of Section 52 of the Government of India Act, which confers a general power on the Governor to refuse to be guided by the advice of his Ministers when he sees sufficient cause to dissent from their opinion shall no longer operate. The Governor's power to direct that action should be taken otherwise than in accordance with the advice of the Ministers, shall be restricted to the discharge of the specified duties imposed on him by the constitution. These duties shall include the protection of minorities and the safeguarding of the safety and tranquillity of the Province.

(d) *Special and Emergency powers.*—There shall be vested in the Governor (1) suitable powers in regard to legislation and finance necessary for the discharge of the specified duties imposed upon him by the constitution and (2) suitable emergency powers to carry on the administration in the event of a breakdown of government or the constitution. The powers under (2) shall not remain in operation for more than six months without the approval of Parliament expressed by a resolution of both Houses.

The sub-Committee suggests a rider that in their opinion it is desirable that the present rigid convention in Provinces other than the Presidencies of appointing Governors drawn from the Indian Civil Service should be relaxed. (There was some support for the substitution of the word " discontinued " for the word " relaxed.")

(*Sir Chimanlal Setalvad, Sir Cowasji Jehangir and Messrs. Ramachandra Rao, Barooah, Chintamani, Joshi, Paul and Ambedkar dissent from the sub-Committee's conclusions on the powers of the Governor.*)

7. *The Composition of the Provincial Legislatures.*—(a) *Their size.*—The sub-Committee anticipates that, to meet the conditions of the new constitutions and electorates, the provincial legislatures will require to be enlarged on the basis of ascertained needs, regard being had to the numbers and character of the constituencies.

(b) *Their lifetime.*—In the opinion of the sub-Committee the normal lifetime of the provincial legislatures should not exceed five years.

(c) *The official bloc.*—With the possible exception of a strictly limited proportion of non-officials who may in some Provinces require to be nominated by the Governor to secure the representation of groups unable to return their own members through the polls, the new provincial legislatures should consist wholly of elected members, and the official bloc should disappear.

(d) *Second Chambers.*—The existing provincial legislatures are unicameral. The sub-Committee recognises that conditions in some Provinces may make it desirable that the provincial legislatures should be bicameral ; but the decision to incorporate a second chamber in the new constitution of any Province other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour of a second chamber has already been expressed should not be taken until opinion in the Province definitely favours this course.

[The reference to the Provinces of Bengal, the United Provinces and Bihar and Orissa was inserted at the wish of a majority of the sub-Committee.]

Note.

(1) The question of the administration of the police was raised by Lord Zetland under para. 4, and it was decided that this should be left for the report of the Services sub-Committee when set up.

(2) The sub-Committee did not consider the constitution of the North West Frontier Province since it was understood that a special sub-Committee would be set up to deal with this subject.

(Sd.) Arthur Henderson,
Chairman.

St. James's Palace, London.
15th December, 1930.

The following Delegates were members of the sub-Committee :—

Mr. A. Henderson (*Chairman*).

Lord Zetland.
Sir Robert Hamilton.
H.H. The Maharaja of Nawanagar. } Holding a
Sir Prabhashankar Pattani. } watching
Rao Bahadur Krishnama Chari. } brief.
Sir Ghulam Hussain Hidayatullah.
Mr. Jadhav.
Sir Chimanlal Setalvad.
Sir Cowasji Jehangir.
Sir Shah Nawaz Bhutto.
Sir Provash Chunder Mitter.
Mr. Fazl-ul-Huq.
Raja of Parlakimedi.
Mr. Ramachandra Rao.
Sir A. P. Patro.
Nawab Sir Ahmad Said Khan.
Mr. Chintamani.
Mr. Tambe.
Mr. Zafrullah Khan.
Raja Narendra Nath.
Sardar Sampuran Singh.
Maharaja of Darbhanga.
Mr. Barooah.
Sir Abdul Qaiyum.
Mr. Wood.
Mr. Paul.
Mr. Joshi.
Dr. Ambedkar.

SUB-COMMITTEE NO. III.

(Minorities.)

The sub-Committee was constituted as follows :—

Mr. Ramsay MacDonald (*Chairman*).
Sir W. A. Jowitt.
The Earl Peel.
Major The Hon. O. Stanley.
The Marquess of Reading.
Mr. Isaac Foot.
H.H. the Aga Khan.
*Maulana Muhammad Ali.
Dr. B. R. Ambedkar.
Sir Hubert Carr.
Mr. C. Y. Chintamani.
The Nawab of Chhitari.
Mr. Fazl-ul-Huq.
Mr. A. H. Ghuznavi.
Lieut.-Col. H. A. J. Gidney.
Khan Bahadur Hafiz Hidayat Husain.
Mr. N. M. Joshi.
Sir Provash Chunder Mitter.
Dr. B. S. Moonje.
Raja Narendra Nath.
Rao Bahadur Pannir Selvam.
Sir A. P. Patro.
Mr. K. T. Paul.
Diwan Bahadur M. Ramachandra Rao.
Mr. B. Shiva Rao.
Sir Sultan Ahmed.
Sir Muhammad Shafi.
Sardar Sampuran Singh.
Mr. Srinivasa Sastri.
Sir Chimanlal Setalvad.
Sir Phiroze Sethna.
Dr. Shafa'at Ahmad Khan.
Begum Shah Nawaz.
Rao Bahadur Srinivasan.
Mrs. Subbarayan.
Sardar Ujjal Singh.
Mr. Zafrullah Khan.

* Sir Shah Nawaz Bhutto served on the sub-Committee after the death of Maulana Muhammad Ali.

with the following terms of reference.

"The provision to be made to secure the willing co-operation of the minorities and the special interests."

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE NO. III. (MINORITIES) HELD DECEMBER 23RD, 1930, AT 11 A.M.

Chairman: I need not say to you how very important the work of this sub-Committee is. A settlement of the minorities question is essential to the political progress of India, and that is not merely a British view. I am sure that is the view held by every enlightened Indian, irrespective of the community to which he belongs, or whatever the interest with which he is specially concerned. It is, moreover, a question which ought to be settled by you and between yourselves. It is no good your starting the working of an Indian constitution, and asking any outside authority to settle what is one of the essential conditions of the successful working of that constitution. Therefore, in stating your case and in making suggestions, I hope you will bend all your energies to creating an atmosphere of goodwill and progress. I need not say more than that. I do not know if you have arranged amongst yourselves who is going to open or how the conversation is going to be conducted. I am in your hands. I do not know whether the Hindus, the Muhammadans, or any of the other interests have agreed to open the discussion. I just repeat that I beg of you to make your statements in such a way that peace will be at the end of them rather than continued disagreement.

Begum Shah Nawaz: Mr. Prime Minister, with your permission, Sir, I should like to say a few words to my countrymen assembled here to-day.

Gentlemen, the time for emotional speeches and long appeals for unity is passed, and the time for practical proposals and solid constructive work has arrived. If you are not going to settle your differences now, when is that auspicious time to come? You have come seven thousand miles away from your home, making tremendous sacrifices for the sake of your country, to be the masters in your own home has been your aim and object. Now that the time for the realisation of that hope has come, when it is for you to ask, and to ask with all the force at your command, is it wise that you should remain divided in your own ranks? I beg of you again just to think that the success of all your mission lies in Hindu-Muslim unity. United we stand, divided we fall. Brothers in flesh and blood, born of one soil, living side by side, working and enjoying life together. When the time comes for you to fight for the sake of your Motherland you hesitate and you remain divided.

To my Hindu brethren I have only one word to say. Be generous to your Muslim brother. Think that if you or he enjoys any privilege, it is an Indian who is enjoying it. Generosity breeds gratitude, and when one gives, and gives with love, the other cannot help giving with love in return. Trust the Muslims as your brother countrymen, and you will not find them wanting in confidence and love in return. The majority can well afford to be generous.

To my Muslim brethren I make an earnest appeal not to be too exacting. One here or two there does not matter, especially when it happens to be the question of the freedom of your Motherland. If your Hindu brethren are not generous it is for you to show them that the Muslim knows how to be generous.

I make an earnest appeal to you gentlemen on behalf of the women of India to settle all your differences now. As sisters we expect of you, as daughters we beg of you, as mothers we demand of you to come to a settlement. You have a Chairman who has been so sympathetic, so willing to help you to solve all your difficulties. He has won the gratitude of the whole of India by his trying to bring you together. With him in the Chair you could not have a better time. Do not disappoint him, all the friends of your country, and us, the women of India.

Mrs. Subbarayan: May I support the appeal made by my colleague. It is with great hesitation that I venture to say a few words on this most difficult subject, the minorities problem, which is hampering India's progress towards full nationhood. I do so because of my earnest desire that India shall become a united nation with undivided aims. I am anxious that the new constitution should accelerate and not retard the growth of nationhood and unity throughout the length and breadth of India. Whatever our

creed, we are all Indians, and if we are united we have a wonderful future before us. It is to our common citizenship in the future that we must all turn our thoughts. It is on the future that we must concentrate. I do not mean that in doing so we should ignore the present, which, to our great regret, has its difficulties and differences. If safeguards are necessary now, if only to allay the fears of the minorities, they should be such as will help and not hinder the development of a common Indian citizenship. To every project suggested, let us apply the principle: Is it going to make or mar the progress towards Indian nationhood? I feel, and I say it most respectfully, that if the future is constantly and more prominently in our minds, a settlement of our difficulties should not be impossible.

As a woman, my first thoughts are directed towards our children and the future generations. I feel that any solution of this problem should tend to make the lot of the future generations easier and better than has been ours. We should take care not to introduce anything in our constitution which would foster and increase the differences which unfortunately exist to-day. I earnestly appeal to my fellow-delegates to realise our responsibilities to the generations of the future.

May I add a word of thanks to you, Mr. Chairman, for your efforts to help us to come to a settlement. I trust that under your guidance and with your help, and, may I also add, with the help of the whole of the British Delegations, this most thorny question may be settled, so that in the future, a United India may find peace, happiness and contentment.

Chairman: There are two or three points that must be present to all our minds in approaching the discussion of this minority problem. I think we all agree about this—that the goal you are trying to attain is a sense of security, something that will guarantee that historical interests, and other interests, will not be sacrificed under the working of the new constitution. We also hope that by the working of that constitution itself much of the uncertainty which is in our minds at the moment will disappear. Our problem is to get all the communities and all the interests to co-operate to begin and work the constitution, and so far as I have been able to gather the case that has been put up to me by the various minorities and communities is that that beginning cannot be made unless we assume, to begin with, that there is a feeling of uncertainty, and provide some machinery, which we all hope will be temporary, for meeting that sense of insecurity, or establishing a feeling of security and allowing it to produce its good fruits in the future.

There have been, therefore, two or three suggestions made to me, one the suggestion of separate electorates for the time being; another, joint registers but with reserved seats; another, weightage for certain communities and interests under existing conditions; and the fourth—and I think this exhausts all the important ones that you have brought to my notice—nomination on the ground that there are certain communities either so disorganised at present or so weak in their numbers, that they require to have special consideration which can only be given, they say to me, by some system of nomination. I think that exhausts the definite proposals which have been made to me, and it would be advisable that we should direct our attention to those points now. There are consequences and sub-divisions of these, but I have not mentioned them because these sub-divisions are in all your minds, I am quite certain.

Raja Narendra Nath: There is another important point besides the question of reservation and representation, and that is the declaration of rights which are declared by the constitution to be unassailable by a majority community. That point has not been discussed in your presence, Sir, but I think it is of very great importance, and perhaps of greater importance than either of the questions of reservation or of representation. A demand has been made by all minorities, by Muhammadans in some Provinces in which they are a minority, by Anglo-Indians and by Depressed Classes, that there ought to be certain rights enumerated in the constitution which should be declared to be unassailable and inviolable by any community or race or creed. That is another point to which I should like to invite the attention of the Conference, and to which I hope the Conference will devote the attention which it deserves.

Mr. Shiva Rao: I was going to ask you whether you are going to confine the discussion at the moment to the Hindu-Muslim question, or whether you are going to permit a general discussion of all minority and special interests, because I think it would be desirable in the first instance to have a general discussion.

Chairman: Yes, that is in my mind.

Mr. Shiva Rao: So that the Committee will have an appreciation of the whole position, and will be able to understand the details of each question better in the light of a general discussion on the whole question.

Chairman: That is so.

Mr. Shiva Rao: Am I at liberty to speak on behalf of the special interests which Mr. Joshi and I represent at this Conference—namely, those of Labour?

Chairman: Yes.

Mr. Shiva Rao: Mr. Joshi has already indicated, in his speech in the Plenary Session of the Conference, some of the essential requirements of labour. He pointed out, in advocating complete self-government for India, that it would be necessary in the new constitution to keep labour legislation and administration of labour as a Central or Federal subject if Federation should come into existence, and he also pointed out the necessity for keeping in the hands of the Central Government the implementing of all International Conventions and obligations. He also said that there should be a certain amount of uniformity in regard to labour legislation as between British India and the Indian States. I shall not elaborate that point, because it is one which is familiar to most of us, and I shall therefore content myself with saying that Indian employers have already thrown out the warning that unless labour legislation in the States is brought up to the same level as it is in British India at the present moment they will not hereafter be able to support any labour legislation in British India; and I think the point gains force from this fact—that the Indian States have been represented at every session of the League of Nations and they cannot very well evade the obligations of carrying out the Conventions of the International Labour Conference in Geneva.

Then Mr. Joshi, at the meeting of the Franchise Committee yesterday, advocated also the introduction of adult suffrage on the ground that it is not only essential to have self-government in India, but also that there should be in a self-governing India as wide a distribution of political power as possible.

Now, in addition to these points I should like to make one or two concrete suggestions at this meeting. We want to see in the new constitution a Declaration of Right for Labour, and we have prepared here a draft declaration which, in our opinion, would be useful to introduce into the new constitution:—

> "Recognising that the well-being, physical, moral and intellectual, of the workers of India is of supreme importance in ensuring the peace, progress and prosperity of the country, and recalling the solemn obligations of India as a Member of the League of Nations and of the International Labour Organisation to endeavour to secure and maintain fair and humane conditions of labour for men, women and children, and to collaborate in the international establishment of social justice, the Commonwealth declares the following principles to be accepted as fundamental principles of the constitution, and as

regulating the exercise of the legislative, executive and judicial powers within the Commonwealth:

"(1) It is the duty of every citizen so to use his mental and bodily powers as to contribute to the welfare of the community, and correspondingly it is the duty of the community to secure, so far as lies in its power, that every citizen shall be given the training and opportunities necessary to enable him to maintain by his work a decent standard of living;

"(2) The Indian Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, the securing of a living wage for every worker, and provision against the economic consequences of old age, infirmity and unemployment;

"(3) The protection of motherhood and the rearing of the rising generation to physical, mental and social efficiency are of special concern to the Commonwealth. Women, young persons and children shall therefore be protected against moral, spiritual or bodily injury or neglect, and against exploitation and excessive or unsuitable employment;

"(4) The welfare of those who labour shall be under the special protection of the Commonwealth, and the conditions of labour shall be regulated, from time to time as may be necessary, with a view to their progressive improvement;

"(5) The right of workers to express their opinions freely by speech, writing or other means, and to meet in peaceful assembly and to form associations for the consideration and furtherance of their interests, shall be granted by the Commonwealth. Laws regulating the exercise of this right shall not discriminate against any individual or class of citizens on the grounds of religious faith, political opinion or social position;

"(6) No breach of contract of service or abetment thereof shall be made a criminal offence;

"(7) The Commonwealth shall co-operate with other nations in action to secure the realisation of the principles of social justice throughout the world;

"(8) All citizens in the Commonwealth have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions maintained or aided by the State and such right shall be enforceable as soon as due arrangements shall have been made by competent authority;

"(9) All citizens are equal before the law and possess equal civic rights;

"(10) All citizens have an equal right of access to and use of public roads, public wells and all other places of public resort."

Sir, we are aware that a Declaration of Rights may not have any legal binding authority, but it seems to us to possess such moral force that it would be very useful in the interests of Labour to have such a Declaration of Rights in the new constitution. I should like to point out that many of these provisions have been taken from the Nehru Report, and some of the others are from some of the new constitutions of post-war Europe.

Then, Sir, from the point of view of Labour it seems to us necessary that the new constitution should be so framed that changes should not be made impossible, because in our opinion when a new generation of Indians has come into existence, free from all the communal obsessions of the present, and has gained actual experience of working the new constitution, then changes will seem very desirable. It seems to us essential, therefore, that changes in the constitution should not be made difficult when that stage arrives.

There is another point which is of special interest to us, namely the question of the special representation of Labour. Mr. Joshi put forward the view that adult suffrage is essential. We do not know whether that point will be carried, but it seems likely that a majority of the Franchise sub-Committee will be against the introduction of adult suffrage immediately, and if that should prove to be the case, I think we shall have to press for the special representation of agricultural and industrial labour both in the Provincial Legislatures and in the Central Legislature in the new constitution. At present the position is that employers and landlords have special representation given to them both in the Provincial and in the Central Legislatures, and one of our standing complaints has been that Labour has been very badly and unfairly treated under the Montagu constitution.

Finally, Sir, I should like to make one general observation before I sit down.

Chairman: You have no proposal to make as to how this special representation is to be secured?

Mr. Shiva Rao: On the population basis.

Chairman: A special register?

Mr. Shiva Rao: Special constituencies, both for agricultural and for industrial labour.

Sir, it seems to me that rather too much has been made of the communal difficulties in India, and it has been overlooked that these difficulties concern in the main only the educated classes in India. For the masses, who form about 95 per cent. of the population, the one problem is how to keep off starvation and disease and death from their doors. It is my experience, as I think it is the experience of everyone who has been connected with the trade union movement in India, that during the last ten years we have had singularly little communal difficulty in our trade unions. Speaking for myself, if I believe, as I do most profoundly believe, in the introduction of immediate self-government in India, it is not because of the educated classes; very often it is in spite of them. I have a very great respect for the practical sense and spirit of self-sacrifice which animate the working classes in India, and I think it would be wrong to allow communal difficulties so to obsess our minds as to obscure the real problems of India, which affect, as I have said, 95 per cent. of the population.

Sir A. P. Patro: If I rise to speak at this stage, I do so for myself and for the party which I represent; I do not speak on behalf of the Liberals, but on behalf of the party I represent, namely, the Justice Party in Southern India. We feel that security and confidence should be inspired in the minds of all classes and communities in order to work the new constitution. As one who has been associated very intimately with this problem for the last ten months, and who has come in contact with the leaders on both sides, I regret to state that the differences could not be adjusted in India before we came over here. It is also painful that even now we have not been able to adjust these differences. Noble efforts have been made by the Chairman to advise both sides on the importance of this issue, but even to-day we have not seen light.

I feel it most painful that this problem should in any way affect the constitutional progress of India. I am confident that it would not in fact affect the constitutional progress of India and the establishment of responsible government. However, for harmonious and peaceful working, and in order that each community and class may have confidence and trust in the other, so that they may be able to work the constitution together, it is in the highest degree essential that this problem should be solved.

As you, Sir, have very rightly pointed out—the first and foremost question is whether representation in the Legislatures should be on the basis of joint electorates or on the basis of separate electorates, and what should be the safeguards and what should be the rights of both parties in either case. On this matter both parties, so far as Hindus and Mussalmans are concerned, are very definite and very strong. At one stage it had become possible

that this matter could have been solved and the difficulty adjusted on the basis of joint electorates with certain reservations, but that has become impossible. The Mussalmans on the one hand claim that they can obtain security and the protection of their rights only by having separate electorates. On the other hand the Hindus and others feel that constitutional progress can be achieved harmoniously only by means of joint electorates. It is no use concealing this fact; it has become too clear now to be passed over. One school of thought — the Nationalists, and all those who aspire for the amalgamation of all communal interests and classes—think that it is highly desirable that we should proceed with a joint electorate system which would bring the two communities together and unite them ultimately as one nation and one people to work out the reformed constitution. On the other hand, the other side feel that unless the safeguards and the protection for which they ask are accorded to them, they cannot trust the Hindu majority in the eight or nine Provinces where they are in a minority unless they have at least similar rights in the two or four Provinces where they are in a majority. That is the issue. The Mussalmans feel—and in my opinion rightly feel—that while the Hindus enjoy power and influence in eight or nine Provinces, that at least in two or four Provinces they should have a similar right and a similar power. That is the bottom of all these communal differences.

How can we adjust this desire expressed by one side or the other? It seems to me all the efforts have been made in the direction of convincing one another, but when people are not willing to place their trust in each other the only solution, I would venture to suggest, is what has been proposed in the Despatch of the Government of India. After hearing the difficulties on both sides and the differences on both sides, I think the best solution—temporarily—would be to act on the basis of the recommendations of the Government of India, who elaborate and improve on the recommendations of the Statutory Commission. In that way it seems possible to find a solution which will be satisfactory to all parties and to the minorities.

Sardar Ujjal Singh: No.

Sir A. P. Patro: The Sikhs may say "No", but let me in all humility and earnestness appeal to them. For the sake of the Sikhs we cannot break down the proposed constitution. I have great respect for the Sikh demand and I have great regard for their position, but they, as a single community in one Province, cannot and shall not stand in the way of the constitution and interfere with the unity of all parts of India. I appeal to my Sikh friends to be more generous and more patriotic than they have shown by their emphatic negative. Their claims will be carefully considered.

But, Sir, there is the suggestion or solution proposed by Government, which has considered all the aspects of the problem in India. In the Madras Presidency we have now discarded the claim for reservation of seats. At the beginning of the Reforms we fought hard; we sent representatives to England and asked for reservation of seats and for special protection, although we were in fact in the majority both according to the population and voting strength. We did this because we realised the influence of a particular class or a particular community in the Southern Province which was more powerful than ourselves and which had a sort of full monopoly in every respect; it was on that account that we thought we should have special protection. That special protection was given to us, and we consolidated our position and organised our work. The result is that we have our organisation in every taluq and in every district; we feel strong, and we no longer feel that we have any need of special protection, and therefore we do not want reservation of seats any longer. If this aspect of the problem is to be considered, and if my Mussalman friends feel they will be at a disadvantage in the Provinces where the Hindus are in a majority, safeguards granted to the Mussalmans where they are in a minority, protection granted to the Hindus where they are in a minority, I feel the difficulty will be largely removed. I feel that instead of indulging in controversy on the subject—and many arguments could be raised on both sides—it is better to take a substantial basis on which we can work, and I think we might take the recommendations of the Government of India and improve them or modify them as may be found necessary in the interests of all. The Sikhs suggest there should be some modification in their favour, let them have it for instance. We must work on something that is substantial.

The question has been raised of what should be the proportion of reservation, and it has sometimes been asked whether a majority population can claim safeguards and protection. It has often been put to me "Can a majority population claim protection and safeguards whilst by their numerical strength and by their votes they can control the destinies of a Province?" My answer to that is that the experience of the past has shown that though in the population they may have a majority they have not been able to acquire power and influence proportionate to their population and to their voting strength. It is this that we have to consider; it is no use closing our eyes and relying on theory. Theory is all very well, but we have to have regard to what has been our experience up to now, and we must recognise that the theoretical argument will not hold good in practice.

With regard to the problem of the Depressed Classes, I regard this as of as much importance as the problem of the Hindus and Mussalmans, because in the South of India the problem of the Depressed Classes is one which is of great importance. They form a very large population in the South of India, and their social and economic position is so miserable that they will be helpless unless some special protection is afforded to them in Southern India and elsewhere where they are in large numbers; unless special protection is accorded to them it will not be possible for them to develop and to progress politically. It is more essential that attention should be paid to their interests at the present time than that regard should be had to the interests of the educated classes and communities.

Mr. Shiva Rao has referred to the agricultural classes and Labour, and he says there have been no communal differences in the case of the Labour movement. I should like to remind him, however, that in Southern India even among the Depressed Classes themselves there is communal feeling; one untouchable will not touch another untouchable or take water from him. Mr. Shiva Rao must be aware of the fact that even among the Depressed Classes communal jealousy exists and there is communal strife, so that it is impossible for all the communities among the Depressed or Labouring Classes to work together. You cannot generalise about them, and as long as caste rules the country you cannot ignore the communal trouble to which it gives rise. I do not in the least want to exaggerate; I am only pointing out the facts of the position and the impossibility of ignoring them.

We must therefore try to adjust these differences. Can we adjust them by means of the joint electorate system? I stand for joint electorate; I do not deny that that is the best system we can devise, but is it expedient at present to have the joint system? I suggest that it is necessary to consider all the difficulties and to have regard to our experience of the past. We have experience of the working of the present Reforms in Southern India, and in the light of that experience I would most respectfully suggest to this sub-Committee for its consideration that we should take as a basis the recommendations of the Government of India, which personally I feel go very far towards meeting the difficulties on both sides; towards meeting the difficulties, that is, of the Hindus, the Muhammadans and the minorities generally. I suggest we work out a scheme on the basis of that, instead of each section or each class proposing its own scheme, for in the latter case there

will be no end to the schemes and proposals which will be placed before us. I therefore venture to place this suggestion before the sub-Committee for its consideration, namely that we take these recommendations as a basis for the purpose of securing a fuller and more suitable adjustment of the difficulties before us.

Sir P. C. Mitter: There are occasions when it is desirable to speak the truth, but in speaking the truth it is equally desirable that no bad blood should be raised. We all know that in Bengal the communal difficulty is present. I am glad to say that it may not be as difficult there to solve the communal problem as it might be in the Punjab; nevertheless in the last few years there has been a communal difficulty. I approach the question from one point alone, namely, how to solve the problem so that we can run the constitution. Unless there be mutual give and take between the Hindu and the Muslim we cannot hope to gain the object which we nationalists—be we Muslims or be we Hindus—have in view. Therefore it is a question of approaching nationalism with due regard to realism. What are the practical difficulties? It can be well understood that if we have communal cleavages, if our future democracy be one section Hindu, one section Muslim, one section Sikh and one section the Depressed Classes, then, although we may get nationalism, it will be by a much longer path.

I want to place before the Conference some of the peculiar difficulties of my Province. It is well known that in Bengal agitation—I am not using that word in any bad sense—for political advance, and against decisions not in conformity with the desire of the people, started long before similar agitations began in other Provinces. There is a far larger number of the educated middle classes in Bengal than in any other Province. In Bengal the voice of those who stand out for independence and for cutting adrift from the British Commonwealth of Nations is much stronger than in some of the other Provinces. There is on the one extreme the terrorists and the anarchists. At the other extreme there are political men who are perfectly honest and who have nothing whatever to do with terrorists or anarchists, but who also passionately believe in cutting adrift from the British Commonwealth of Nations.

I would appeal to my Muslim brethren from Bengal —because they know Bengal much better than many of my friends from other Provinces do—that if amongst those who are willing to run the constitution, if by our decisions we take away some of them from the line of running the constitution, then they will be leaving the Bengal Hindus in a very difficult position so far as running the constitution is concerned.

I am glad to say that in my informal discussions with my Muslim brethren from Bengal I did not find very great difficulty; the difficulty was one of another nature. There are difficulties which, for the sake of the object I have in view, I will not mention publicly.

Let us see what will be the effect of the acceptance of the Despatch of the Government of India. If we accept that Despatch it follows that we ought to accept their conclusions about constitutional advance. They were advising on a constitutional advance, and on the basis of a constitutional advance on which they were willing to go. They made certain suggestions. If you take their constitutional advance, I would like to put it to my Muslim brethren first and then to the British Delegations: Are you honestly satisfied that the passionate desire for equality which is running through the Indian breast to-day, be it Muslim or Hindu, will be satisfied? Have not we made it abundantly clear that all sections want responsibility in the Centre? Does the Government of India Despatch give us responsibility in the Centre? It is for us, the Muslims and the Hindus, to decide what we shall have. I am not suggesting any definite proposal to-day, because I desire further to discuss the matter, as I have done in the past, with the Muslim Delegates and other Muslim friends, who have taken a better note of the realities than some of my Hindu friends, at any rate as regards Bengal. I appeal to all not to try to force the issue.

Before I conclude I would like to say one word to the members of the British Indian Delegation, namely, judge for yourselves about the future of India. Judge for yourselves whether, if the present difficulties continue, there will not be a very real risk of Indian society being disrupted. It may take five, ten or fifteen years, but the risk is there. Believe me, you also will not escape the consequences. If Indian society gets disrupted your society will be seriously affected. You cannot afford to have one fifth of the human race disrupted.

Chairman: I hope my friend will try to keep to the point.

Sir C. P. Mitter: Let us have an opportunity of settling our differences. We have been trying our best to do so here, but there are difficulties. Mandates are coming to both the communities. (Several Members: "Not to us.")

I would like to know if my Muslim brethen are willing to proceed on the basis of joint electorates in spite of the mandates from India. If so I am prepared to negotiate. We have the next few days in front of us, and we may negotiate and come to some decision if it be on the basis of joint electorate. My object in asking for joint electorate is that it is the beginning of nationalism.

Raja Narendra Nath: As reference has been made to the Government of India Despatch, and as it has been suggested that it should be taken as the basis of discussion, I should like to offer a few remarks. Sir A. P. Patro, one of my best friends, comes from Madras. As far as Madras is concerned, he is not affected by the proposals of the Government of India. It is for us to say how we take the Government of India Despatch, and in what light we consider it. Sardar Ujjal Singh raised an emphatic "No" when reference was made to the Sikh claims. I was silent, although in a very low tone I also supported him. I wish to point out to the Conference—and I want all the Members to take note of this—that the Government of India Despatch is based on the proposals of the Punjab Government, and the Punjab Government proposals are founded on a series of statements which, I am sorry to say, are erroneous.

In the first place the Punjab Government Despatch says that the Hindus form 31 per cent. of the population. This is on page 170. That is wrong. The Hindu population form nearly 32 per cent. of the whole population; that is to say, it falls short of 32 per cent. by .02. There is a variation suggested of one or two seats on this side or on that side. Therefore we have to examine thoroughly that proposal, and to see how far it is supported by the facts on which it is founded. In counting the Hindu seats allotted to special constituencies, at page 171, as four, the Punjab Government Despatch counts the Commerce seat as a Hindu seat. This is wrong. The Commerce seat is not a Hindu seat. It is the Industry seat which is a Hindu seat, and if Commerce is credited to the Hindu seats the Hindus will not get in through that constituency. Labour is described as "indeterminate." That is wrong. Labour is not indeterminate; it is mostly a Muslim seat. On this calculation the Hindu representation in the Punjab is reckoned as 39, which, out of the total representation of 134 seats, counts as 29.1; that is, nearly 3 per cent. below its proportion in the population. The Hindu minority is not referred to anywhere as a minority. I do not see why it should not be considered as a minority community. We are 32 per cent. of the population. Does not that constitute by itself a minority? As a minority community we do not claim any protection

or any weightage. We simply want that the representation of Hindus, as it has been slightly below the numerical proportion, may be kept at its former figure and proportion. The Punjab Government's proposals reduce them to a figure which is nearly 3 per cent. below their numerical proportion of the population. Is that the way in which, so far as the Hindu minorities are concerned, the declaration, which constitutes an important pledge of protecting the interests of the minorities, is to be respected? I do not see any justice in the proposals which have been made. Yet Sir A. P. Patro says that the Government of India Despatch is the most fair proposal and should be taken as a basis of discussion. I think that Despatch is the last document which ought to be looked at so far as justice to the minorities is concerned. We are a minority and we claim justice and fairness too. Why should our seats be reduced considerably beyond our proportion in the population? That is all I have to say with regard to Hindu representation and the proposals of the Government of India so far as they have effect on Hindu representation in the Provincial Council. As far as the Sikh representation is concerned, my friend Sardar Ujjal Singh will get up and say what he feels about the Government of India proposals. It is for us who are affected by them in the Punjab to judge of the fairness of of the Government of India's proposals, and it is not for those from other Provinces to make any pronouncement about them.

Chairman: I wonder if our Sikh friend could now enlighten us.

Sardar Sampuran Singh: As I rise to say something on this point I do so with a very heavy heart. It is a very unpleasant task to quarrel about little things, but at the same time it is absolutely necessary that one has to safeguard his interests at a place where he and after him, his children have to live. When standing here I feel perhaps I have very few people who sympathise with my position, and consequently I feel a little diffident; but, as my duty to my people requires, I have to put my case with as much strength as I can command. From the beginning—if I may come to the conclusion and then try to explain it—I may say we are not satisfied at all with the Government of India Report on this point. In the former Reforms—I am taking only Hindu, Muslim and Sikh seats, and am excluding European, Anglo-Indian and Christian seats—Hindus were 32.85 per cent. in the House; Muhammadans were 48.5 per cent., and Sikhs were 18.55 per cent. The whole number of the House, I mean excluding Christians and Europeans, was 70, and they counted Hindus 23, Muhammadans 34, and Sikhs 13. According to the Government of India Report, Muhammadans—I am again excluding Europeans, Christians and Labour, which is defined as "indeterminate" (though both of my friends who have former experience of the Council say that it is a Muhammadan seat in fact; but here it is said "indeterminate"), so being indeterminate, like Christian and European seats, I excluded that; I am giving you the percentage as it will be between the three communities in the Punjab—Muhammadans will be 50.7 per cent., Hindus, 30.7 per cent., and Sikhs, 18.6 per cent.; and the position would be like this, that according to the Montford Reforms Muslim percentage was 48.57 per cent., and in the present it would be 50.7, naturally in the same proportion, Hindu and Sikhs seats combined would decrease by 2 per cent. If I included the Labour seat as a Muhammadan seat, then naturally 1 per cent. will be the increase of the Muhammadans, and the Sikh and Hindu percentage would decrease also proportionately to that. So, as a matter of fact, that is putting us in a position which is worse than the position in which we were. The question will arise that if we were satisfied with the former arrangement, this little difference perhaps might not mean much, and consequently, our hue and cry, if I may call it so, is perhaps unnecessary and unwarranted. But first of all I would submit that we were not satisfied under the previous arrangement, i.e., under the Montford Reforms. I am sorry to say, Sir, that I have to remind you that on account of the dissatisfaction caused by that document, how much sacrifice we have made, so far, and I would also remind you, Sir, how much trouble we have given to you—the Government, I mean, and the British people. I do not say that it has been much, because you are a very big nation, and with your large resources, it perhaps did not so much matter to you; but I would submit that this sacrifice which we have made on account of this dissatisfaction caused by the Montford Reforms has made us very weak to-day. Economically and physically we are much lower than we were some years back.

Sardar Ujjal Singh: Why physically?

Sardar Sampuran Singh: Yes, physically our strength is weaker to-day.

Sardar Ujjal Singh: Why?

Lord Peel: No.

Sardar Sampuran Singh: So what I mean to submit is that we have been protesting against it so far, and all this time we have been humoured about it. We have been told that the time for revision would come, and that then we should get our chance. It was too late when you reminded us; it was too late when you came forward in the field. Again, Sir, I have to remind you, fortunately or unfortunately, we, as a community before the Montford Reforms were quiet in politics. Our patriotic people in India blamed us for not joining with them; and when the time of the Montford Report came we were told by responsible Government officials that as we did not join the Lucknow Pact we have now to suffer for that and they could not alter that arrangement; if we wanted anything more we were advised to go to the Congress people.

We suffered, Sir, perhaps on account of foolishness, some call it loyalty, some call it foolishness, and I would not try to tell here what it was really; but it is a fact that because we kept aloof, and did not take much part in politics, we were not consulted, and the Montford Report and the Reforms consequently based on it were thrust upon us without consulting us, and without hearing us—*ex parte* so far as Sikhs were concerned, and ever since we have been crying about it, and we have always been told that the time will come when we shall be heard; and now the time for hearing has come, Sir John Simon very kindly remarks that special notice of us should be taken; he even mentions our services; I am not going to repeat them here; he even puts in a few kind words, but when he comes to the conclusion he leaves us in *status quo*, and does not give us anything substantial; and now, when we find this Report coming from the Government of India, we find that this puts us in a still worse position. It almost looks for me out of place to mention the cables and letters we receive in such abundance from India about the Government of India Despatch—but we are strong with the strength of our people in India, and we are weak with their weakness—and I must tell you how they feel about it. I assure you we never desired their cables, we never asked for them, we have so far not communicated with our people in India on any of the important questions which we are discussing here, neither through the Press nor through personal letters. We have been more or less perfectly silent on this question, but in spite of that, and without our asking for them, every day we are getting letters from important persons like Sir Sardar Bahadur Sunder Singh Majithia, President of the Sikh Liberal Association and President of the Chief Khalsa Diwan, Sardar Mohan Singh and Sardar Raghlir Singh Raja of Gansi and others, including members of the Punjab Legislative Council, and cables from all the seven organisations, and they all disagree with the Government of India Despatch and show resentment against it. I do not say it as a threat, because I know we are nowhere, we are a

small number, a small community; we must admit our weakness. Politically, we are opposing Muhammadans, who, numerically speaking, are much stronger than us, and possibly what agitation we can make against the Muhammadans, and what agitation we can make against the British Empire, and what can we do if things are not done according to our wishes? I am afraid of this—I am not threatening anybody, but I know that unless our people at home are satisfied and are shown that justice has been done to them, I feel that there will be great excitement, and perhaps with a Muhammadan Government in the Punjab which it shall be—if they get the statutory permanent majority in the Council and the great resources of the mighty British Empire at their back, there might be a civil war, and we might be altogether annihilated and washed off the face of the world. I can even envisage that, but there would be some satisfaction to me, even if things come to that, that I had the say, and I put my case, anyhow, before you, and told you the real position.

Now, Sir, I come to this point, the reason why Sikhs want more representation. Are their demands really unreasonable? Our position is like this, that we are only little more than 11 per cent. of the population, but by the labour of centuries and by investing capital in the Province we have acquired economic interests in the Province so that our voting strength, based on a property basis, has gone up to 24 per cent., and—I would not be exactly sure, but I gather, from the little material I have with me—we pay into the Provincial revenue about 40 per cent.

Sardar Ujjal Singh: 25 per cent.

Sardar Sampuran Singh: 25 per cent. of the Land Revenue, and 15 per cent. of all charges, including our Canal charges. So it is difficult, however small a community we may be, to hand over all this money and have that stake in the country and hand over the country to the people and constitute a form of government in which we have no voice.

We have been discussing in the Provincial Subcommittee, and perhaps this idea must be in the minds of several people here, that when we are being given about 24 members in the Provincial Council, and with our economic resources and with our strength it would be very difficult that the Muhammadan Government in the Punjab would not care for our voice. Sir, perhaps I am not in any way misusing the word "Muhammadan" when I am saying a Muhammadan Government; I am not exaggerating at all, because, after all, you call it a Labour Government here when it is a Labour majority in the House; you call it a Liberal Government when it is a Liberal majority in the House, and you are basing, according to this Report, a Government in the Punjab giving 51 per cent. or 52 per cent. to Muhammadans—naturally I cannot call it anything else but a Muhammadan Government—well, about 49.2 per cent. in the whole House—and you have no doubt made a provision that there will be a Sikh Minister, and there will be a Hindu Minister also, but only such men will be able to get on who would subordinate their will to the Muhammadan majority. So I will call it a Muhammadan Government, because with their majority in the House and Cabinet and with separate electorates always keeping their Muhammadan constituency in their minds, it cannot be anything else. Of course, they have to take Hindu and Sikh Ministers, which means, naturally, when they agree to join the Government they go into that bloc, with one or two friends, with that much margin, they will always be in the majority. It is not like England, where the parties are shuffling; to-day a man is Liberal and to-morrow he may become Conservative, or a day after he may become Labour. In India, once a Muhammadan always a Muhammadan; he has to remain with the party, when government is based on religious grounds; he has to remain there, as long as the government lasts, with that party, and that party constitutes a Muhammadan Government. That means a permanent majority in the House of the Muhammadan Government, and there Sikhs and Hindus possibly cannot have any voice whatsoever, and that will be a Government by one community. It is just this one principle which I attack. Let there be a majority of Muhammadans in the House; I do not care. Let there be a majority of any community in any Province in India or in the Central Government; I do not care. But this is the principle which we cannot agree to, that just according to statute a community should have in the Government a majority which shall be always governing, always based on religious grounds. It is wrong to say that we have risen above bigotry. The fact is there. In everyday life we find that that feeling is there. I need not go into details on that troublesome point, but there it is. Admitting that fact, it will be very hard and very difficult if by statute you give, especially when there are three communities in the Punjab, the effective political control to one community. I never say that there should not be a majority of any single community, but not to care for the other two communities, and give this one single community a majority in any House, a statutory majority is, I think, against all principles of constitutional law.

Mr. Fazl-ul-Huq: Will my friend make one point clear? Does he prefer British rule in the Punjab to the alternative prospect of a Muhammadan rule? Which of the two rules does he prefer?

Chairman: There are a lot of side paths out of the main road that I want you to walk upon, and until we have got to the end of the main road I think we will just blind our eyes to the side paths. Is there anyone representing the Depressed Classes? I was looking round about. Dr. Ambedkar, I think, is not here.

Rao Bahadur Srinivasan: If you want me to speak, Sir, I will speak on behalf of the Depressed Classes.

Chairman: Yes, please.

Rao Bahadur Srinivasan: Mr. Prime Minister, the removal of "untouchability" depends upon the vesting of political power in the Depressed Classes. With my 40 years' experience of working among them I find that there is no alternative but that we should be possessed of political power. The Depressed Classes have been loyal to the Government. Last night's mail brought me a letter from the military men of Bangalore, giving me a long list of wars in which they were, and they say that their regiments have been disbanded, and the British have not paid anything to them, and they wanted us to represent this matter to the British delegates.

Chairman: The important point was, I take it, that they got no pay?

Rao Bahadur Srinivasan: They had pay, but they had fought for the country.

On the other hand the Depressed Classes, as tillers of the soil, have been subservient to their employers and to the landlords; but these latter have introduced untouchability and have not helped them at all, and whenever they have tried to make progress, obstacles have been put in their way. My experience is that in the last 10 years several memorials have been submitted to the Government, at any rate so far as Madras is concerned, and the Government have issued orders, and Acts have been passed, but they were all reduced to dead letters.

You are all well aware of the treatment we undergo at the hands of the caste people. The only alternative is to have power in the Legislature, so that we may fight our own cause. Our object is to have adult suffrage, and to have separate electorates only as a temporary measure. We want reservation of seats on a population basis, with sufficient weightage to enable us to withstand the majority in the Council. As a further safeguard, we want power to appeal to the Governor or to the Governor-General or to the Secretary of State in the case of any Acts or laws being passed which are prejudicial to us.

I do not want to dwell on all these points, because as we go on we shall be able to deal with them in detail. I hope the hostility which is shown to us by the caste Hindus in India will not be shown by the caste Hindu delegates here in this sub-Committee.

Mr. Foot: I should like, if I may, to put a question to Mr. Srinivasan about a matter which is troubling some of us. It is this. The Depressed Classes, through their organisations and in the representations which they made to the Statutory Commission, almost without exception asked for a separate electorate.

Rao Bahadur Srinivasan: Yes.

Mr. Foot: In the last meeting which was held, I think, in November of this year in one of the northern cities of India, they again put the primary stress upon the separate electorate.

Rao Bahadur Srinivasan: Yes.

Mr. Foot: And the question of adult suffrage was raised if that concession was not made. Can Mr. Srinivasan tell us, speaking on behalf of the Depressed Classes, if that still remains the primary claim—the claim for separate electorates?

Rao Bahadur Srinivasan: As representatives of the Depressed Classes here, since we came here there has been a change, and we have now to ask for adult suffrage, and we only ask for a separate electorate as a temporary measure.

Mr. Foot: To elucidate that point, I should like to ask a further question. I understand that at the All-India meeting held in November of this year emphasis was placed on the responsibility resting on the two representatives, Dr. Ambedkar and Rao Bahadur Srinivasan, but they still at that time put their stress, their primary stress, on the separate electorate. Do I understand the instructions have been varied since the date of that meeting.

Rao Bahadur Srinivasan: Yes.

H.H. The Aga Khan: I do not think he understands.

Chairman: As I understand it, what has been said is this, that, so far as the meeting held in November is concerned, the statement made by Mr. Foot is correct, but that since that time the delegates who have come here to attend this Conference have decided to vary the decision arrived at at that meeting, and the variation consists of this, that they are now asking first of all for adult suffrage, but with either reserved seats or special constituencies as a temporary measure. I understand, however, that the authority for the variation is the delegates attending this Conference.

Mr. Foot: I am not joining in the discussion, Mr. Prime Minister; I am only trying to get this point cleared up, because some of us are very concerned about the interests of this large body of people representing—though the figures cannot be definitely ascertained—somewhere between forty and sixty millions of our fellow-subjects in India, who have just as good a claim on our consideration as any other of our fellow-subjects throughout the British Empire.

We should like some machinery to be set up, if possible, for a close inquiry into the claims made by these people. They do emphasise the fact that although the other interests are represented round this table, there are only two representatives for the great mass of people who form the Depressed Classes, and they speak of the very heavy responsibility resting on Mr. Srinivasan and Dr. Ambedkar, a responsibility of which I am sure they themselves are very conscious. I should like some inquiry to be made upon that. I am quite prepared, of course, always to accept what Mr. Srinivasan has to say, but I should like to know to what extent we must rely on their deliberate representations, made over a long period, and on what I now understand to be the altered instructions of their delegates here. When the Statutory Commission went to different parts of India they had the advantage, almost in every Province, of having long memoranda, presumably very carefully prepared and put up on behalf of the Depressed Classes, and then the spokesmen for the Depressed Classes were submitted to a very long examination and cross-examination. We have had sent to us, moreover—it reached me only a day or two ago—this last statement, representing the considered opinion of those who had gathered together to speak for the Depressed Classes, and we have also had the statement of Mr. Rajah, which is contained in the very valuable addendum which we have to the Report of the Central Committee. Mr. Rajah there makes his chief claim the claim for a separate electorate.

I think you will agree, Mr. Prime Minister, that, being anxious to go into the case of these people and to meet it as far as we can, we should like to be assured that we do understand their own claim, their own request. If adult suffrage is found to be impossible, as obviously it will be if we take the view of the majority—I think Mr. Shiva Rao admitted this morning the majority were against it—we want to know how to meet the claim, on which they have laid continual stress, for a separate electorate. Without that safeguard, they have said their interests cannot be secured, and I hope we shall be able to go into this matter very thoroughly.

I am only anxious that the Minorities sub-Committee shall not have all its time taken up by the consuming problem of the Hindu-Mussalman difficulty, but that we shall be able to give adequate time to meeting the needs of these people, who have a very considerable claim on such time, attention and thought as we can give.

Chairman: We have heard something of the Labour case, and I should like to hear Mr. Paul.

Mr. K. T. Paul: I thought I would be called on on the next occasion, but as I do not know whether there will be an opportunity for a general discussion next time I had better make my remarks now. The position of the Indian Christian community is somewhat difficult and embarrassing. As a matter of fact, we are unequally distributed among the Provinces. Two-thirds of our community are found in Southern India, and in the other Provinces we are found in different proportions. In the matter of education and training, however, we have done our best to prepare ourselves, so that at the present time we occupy a position of advantage among the various communities in the matter of public employment, participation in educational work and public utility services of various sorts. It is to the direct interest of our community that we should go on in this way, making ourselves as useful as possible to all the communities all the time. That is our first objective.

In the second place, seeing that we have to live in the midst of very strong communities, it is undoubtedly the case that time after time we find ourselves forgotten. It is not that we are ill-treated or oppressed; there has never been any complaint of that sort; but very often we have been forgotten by Government, because, as it were, we do not count. We have been forgotten again and again by whichever community or section of a community happens to have power in its hands in a particular Province at a particular time.

Our position, therefore, is very difficult. On principle we should like to see no special privileges accorded to ourselves or to any community. We stand for absolute democracy, where merit and personal considerations are the only things that qualify a person in the matter of political privileges or opportunities of public office. At the same time, if special consideration is to be shown to any community whatever in India we do realise that we shall immediately be placed in a position of increased disadvantage. We live in such a situation now, under the Montford Reforms; in fact, from the time when the Morley-Minto Reforms were introduced we have found ourselves in an extremely difficult position,

because every now and then we are liable to be squeezed out in the sharing of the various positions and opportunities among the more powerful communities.

Therefore, on pure grounds of self-preservation, if I may say so, we are compelled to ask that we also should be remembered if and when seats are earmarked in the Legislative Councils and elsewhere, and when posts in public offices are dealt with.

With regard to this matter, I think my community all over India are unanimous that if any community is given special privileges, we also should have a share in such privileges. It may be on the population basis or according to the voting register, whichever is the more advantageous to us; I am not ashamed to say that.

Then there is the vexed question of separate electorates. As I have already indicated, since we stand for peace and concord, and since we are most anxious to secure the coalescing of all communities in national solidarity, we are in principle opposed to separate electorates.

Rao Bahadur Pannir Selvam: Not all of us; we are not.

Mr. Paul: I am speaking on behalf of the All-India Christian Conference, which I am specially commissioned to represent; but as a matter of practical arrangement it may be necessary to have separate electorates in some Provinces, and perhaps in all Provinces. That is a subsidiary consideration. On behalf of that section of our community which I have the honour to represent, I do certainly say it is our definite view that on principle we are opposed to separate electorates, and if, on practical grounds, separate electorates are given to us or to anybody else, it is our definite recommendation that that should be done only as a temporary expedient with a time limit, so that after a specified number of years the whole matter shall come up for reconsideration by the Indian Legislature, or whatever body is constitutionally empowered to revise such an arrangement. We do hope that this expedient may be a temporary one and not perpetual, and we look forward most definitely and anxiously to the time when such special arrangements will disappear.

There are two or three other points I wish very briefly to mention. We are very anxious, and I know Dr. Ambedkar is very anxious, that there should be a declaration of fundamental rights as regards all citizens in the matter of religion, in the matter of philanthropic institutions and in the matter of the allocation of public funds towards assisting any philanthropic institutions, irrespective of religion, creed or colour. We are very anxious there should be in the Statute some declaration of fundamental rights, as in the case of those constitutions which have been framed subsequent to the war. There is a very valuable memorandum in the Appendix to the third volume of the Report of the Simon Commission, for which I think we are indebted to Dr. Shafa'at Ahmad Khan. That would be a good basis for working out such a statement.

In the second place, we want some machinery to see that these fundamental rights are respected and are not forgotten. In this matter I think I reflect Dr. Ambedkar's views correctly when I say that we should want a portfolio for the Depressed Classes and Minorities in the Ministries of the Provincial and Federal Governments. We do not want a whole Ministry for the Depressed Classes and Minorities, but a portfolio which would be attached to one Minister or another. We would expect that the Minister concerned would act as a sort of godfather for the Minorities and Depressed Classes in the Cabinet, interceding on their behalf with whatever Department happened to be concerned with the affairs of the Depressed Classes or the Minorities at any particular juncture. It might be the Education Department; it might be the Department of Public Health or the Public Works Department, or others. This Minister would also act as a sort of co-ordinating agency. Perhaps you may find an analogy for that in the Commissioner for Native Affairs provided for in South Africa, with special reference to the Zulus and other African tribes.

We would also desiderate a special provision for invoking the assistance of the Supreme Court, if there is to be a Supreme Court, in regard to any legislation which in the opinion of the representatives of the Minorities and Depressed Classes may discriminate adversely against those whom they represent. On this point we are prepared to present a memorandum at the proper time for the consideration of the sub-Committee.

(The sub-Committee adjourned at 12.45 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. III. (MINORITIES) HELD DECEMBER 31ST, 1930, AT 11 A.M.

Chairman: We will begin our discussion where it was left off at our last meeting. What I would like in this discussion is that when an interest has been expounded and explained, the ground should not be gone over unnecessarily again, but that we should spend our time in hearing the various points of view as much as possible.

Rao Bahadur Pannir Selvam: If, notwithstanding the statement made by my colleague Mr. Paul, I rise, it is because of the fear that what he has said might give a very inaccurate impression of the attitude of the community as a whole with reference to the sort of protection which it, as a minority, seeks, and the method by which it would like to secure it.

Mr. Paul spoke, as he said, on behalf of the All-India Christian Conference. The name "All-India Christian Conference" is, I am afraid, apt to be slightly misleading as regard its representative character of the community as a whole. I claim to speak on behalf of that section of the community which is not represented by the All-India Christian Conference, and which I claim represents a considerable majority—well nigh 80 per cent.— of the community. For one thing, the Catholics who constitute by far the major portion of the Indian Christian community, the majority being nearly a million over all the other denominations of Indian Christians put together, have at no time had anything to do with the All-India Christian Conference. In fact in all its history not more than half a dozen Catholics have ever been present at its meetings. That excludes considerably more than half of the Indian Christian population. Again, as far as this particular question with which we are now concerned goes, namely, the sort of protection which this minority community claims, I submit that the Madras Christian Association, which represents the Protestants of the Madras Presidency, who again constitute the major portion of the Protestants throughout India, is not able to see eye to eye with the All-India Christian Conference.

With this preface, and claiming to speak on behalf of the Catholics and the major portion of the Protestants of Madras, represented through the Madras Christian Association, I may say that I am perfectly at one with Mr. Paul as far as the claim about the fundamental rights of the minorities and their incorporation in the Constitution is concerned.

In considering as to how best those rights are to be enforced and safeguarded in the future constitution, my friend Mr. Paul has suggested that one member of the Executive Council should be entrusted with a portfolio called the Minorities or

Depressed Classes Portfolio. I have nothing to say against that, but I am afraid it will be absolutely ineffective if, both in the Central and Local Councils, we do not have our own special representatives to see to it that those who are entrusted with this Portfolio actually carry out their duties properly. Effective representation for the community can, I believe, be secured only through a separate electorate. In putting forward this claim for a separate electorate, I feel I need be neither apologetic nor hesitant. I need not even say that I put forward the claim because the other minorities, for instance the Muslims, demand it. I claim it on its own merits, and because I feel that the interests of my community can be protected only in that manner.

I have been told time and again of the denationalising and the disintegrating influences of a separate electorate, but I must confess that I am still unconvinced about the denationalising and the disintegrating influences of a separate electorate as things are in my country. I admit that the ideal is one electorate for the whole people, but it is no good trying to get the ideal if you have not got an ideal state of things.

It must be admitted that in India we act, and live and breathe in terms of castes and religion. Even within recent memory occasions have not been wanting when, in elections, an appeal has been made to the religious and caste prejudices of the voters—and not by any irresponsible individual here or by any insignificant man there. Within the last few years the most responsible nationalists, even a President of the National Congress, when it came to a question of fighting an election against a Christian, appeals have been made on his behalf to vote for him because the other candidate was a Christian.

With such examples before us, I am afraid it is no good appealing to the minorities in terms of nationalism, and telling them that a separate electorate will be a denationalising and disintegrating influence. If we are to have any place at all in the Legislative Councils, if the minorities are to be represented there at all, it cannot be through the open door. Therefore the choice lies between representation through a joint electorate with reserved seats or through a separate electorate.

Coming to the joint electorate, it is no good placing ourselves on the analogy of other minorities, and saying that if the Muhammadans or the other minorities are prepared to give it up, we will also give it up. The position of the Christians in the Indian Nation is not the same as that of the Muhammadans or of the Sikhs. The Muhammadans constitute a minority, but a very powerful minority. It is a minority which can take care of itself. With reference to the Sikhs, it is true that in numbers they are slightly less than we, but they are concentrated in one Province, and in portions of the Punjab they are so numerous that they can certainly influence any election; while we, though slightly more numerous than the Sikhs, are spread throughout the length and breadth of the land, and in no place are we numerous enough to make ourselves felt.

I have had occasion recently to study some of the voters' lists or electoral rolls of our constituencies, and I can state authoritatively that even in places where we are in the largest number, we hardly constitute 6 per cent. of the total electorate. In the Madras Provinces where we have the largest number of Christians, the Southern portions have a larger proportion of Christians than the other parts, as will be evidenced by the fact that our constituencies here are confined to two or three districts, unlike in other parts where they extend over six or seven districts. The constituency which I represent is supposed to be one of the most populous from the point of view of Christians. And even in that constituency if you select that corner where the Christians are most concentrated you will find that the Christian voters come to only 600, while the general constituencies for the same area have about 10,000 voters. In a joint electorate even with reservation what would be the effect of 600 Christian votes in a constituency in which there are in all 10,600 votes? Would it not really be a case of a Christian being nominated by the majority community to represent the minority, and if we are agreed that nomination by the Government is baneful and might have to be given up, would not the case be much worse when the representative of a community is in effect to be nominated by another and that a major community? The man who is then selected to represent the Christians could not by any manner of means be called a representative of the Christian community. He will be a representative of the Hindu community, and when it comes to any clash of interests he would naturally try to satisfy the 10,000 rather than the 600.

It was said that we do not fear any persecution. I do not fear it, either at the hands of the majority communities as a whole, but even now instances are not wanting where we have been subjected not to direct persecution, and where our institutions, particularly our educational institutions, have been prejudicially treated, have been denied their due share of protection and grants, especially by those people who talk most about nationalism. In my own Province we have had a peculiar advantage, in that the one party which it condemned as a communal party—the Justice Party—has tried to mete out even handed justice to all communities, but I am referring to people who talk most of nationalism. It is under those people that I am afraid our institutions have been made to suffer.

Therefore I feel that in endorsing the claim put forward by Mr. Paul for a separate electorate, there is no occasion for being apologetic or hesitant, or even to make it conditional on the other communities claiming that right. Our position is absolutely different from that of the Muhammadans and the Sikhs. We are a small community spread all over the country, and we form a very insignificant part in all parts of the country. Therefore we need special protection, and the only means by which that can be afforded is by separate electorates.

In putting this forward I claim to represent the majority of the community. That is borne out by the Government of India Despatch, which says that the Madras Christians, who constitute the major portion of the Christian community in India, are not in favour of giving up the separate electorate which they now enjoy.

Sir Phiroze Sethna: I claim leave, as a representative of the smallest minority community in India, namely, the Parsees, to make a few observations. Out of the total population in British India, including Burma, of 246½ millions, there are 110 million members of important minority communities. Numerically the most important are the Muhammadans who number 59 millions. The Depressed Classes number 44 millions. The Indian Christians in British India number 2¾ millions. The Sikhs number 2½ millions, whilst there are 151,000 Europeans, including British troops; about 95,000 Anglo-Indians, and only 88,000 Parsees. The main fact brought out by these figures is that of the 110 millions belonging to the minority communities in India, some 103 millions belong to two communities.

The question of minorities is not confined to India alone. It also extends to countries in Europe, and particularly after the Great War much attention has been devoted to protecting their interests. The League of Nations has taken a great interest in it, and its attitude might well be considered by this Conference. I will only quote a few sentences from two speakers who supported the motion for the protection of minorities, which are of interest to us at the present time. The first of them is by Monsieur De Mello Franco, who observed as follows:—

> "It seems to me obvious that those who conceived this system of protection did not dream of creating within certain States a group of

inhabitants who would regard themselves as permanently foreign to the general organisation of the country. On the contrary, they wished the elements of the population contained in such a group to enjoy a status of legal protection which might ensure respect for the inviolability of the person under all its aspects, and which might gradually prepare the way for conditions necessary for the establishment of complete national unity . . . . We must avoid creating a State within a State. We must prevent the minority from transforming itself into a privileged caste and taking definite form as a foreign group instead of becoming fused in the society in which it lives. If we take the exaggerated conception of the autonomy of minorities to the last extreme, these minorities will become disruptive elements in the State and a source of national disorganisation."

Sir Austin Chamberlain followed, observing

"It was certainly not the intention of those who had devised this system to establish in the midst of nations a community which would remain permanently estranged from the national life."

In considering the claims advanced by minorities in India, therefore, it is very desirable that we bear in mind the advice given by these two speakers whom I have quoted.

Sir, it is true that we have separate electorates at the moment, and that only for one minority community, namely, the Muhammadans.

A Member: And the Sikhs and Christians also.

Sir Phiroze Sethna: Then I will say for some minorities. But it is a well known fact that when separate electorates were first agreed to, it was hoped and believed that that arrangement would not be a permanent one, but that by degrees the separate electorates would be removed and that there would be one joint electorate. That certainly ought to be our aim. Unfortunately we find from the telegrams published both yesterday and to-day in the London papers of the proceedings in India of the All-India Muslim League, that they insist upon separate electorates. Likewise one of the two Indian Christian representatives has this morning urged the claim of separate electorates for his community.

Now that the constitutional problem is again on the anvil there can be no better opportunity than the present to consider the question of having joint electorates and not separate electorates. Communal electorates are certainly vicious and unsound, especially when they take the form of special electorates. The Government of India in their Despatch did not say that separate electorates for Muhammadans should be abolished, but they certainly do say that machinery should be provided in the new Act whereby they may subsequently be removed. That, Sir, should be the policy which we should follow, and the sooner the better.

Separate electorates are against the growth of a national spirit. That is recognised by all. (Cries of "No"). My statement is questioned, but I should like my friends not to restrict their opinion on this subject on their immediate knowledge, but to view the question from an international point of view and to see how these matters are dealt with elsewhere as well.

Now, the charge is often brought against us Indians that we are not a homogeneous population as a nation for political purposes, and I contend that joint electorates would gradually lead to our becoming homogeneous, no matter how much we may differ by religion or otherwise. For that reason joint electorates are, to my mind, a necessity for the growth and advancement of the country. If it is necessary for seats to be reserved for different communities in the joint electorate I for one would have no objection to that; but separate electorates ought certainly to be abandoned from now onwards.

There has of late been a growth of the national spirit, as we all recognise and as has been evidenced at this Conference by the united demand which is made for Dominion Status with safeguards, and such unity would go still further if we had joint electorates. If to-day there is a national spirit in the country, we owe it in a very large measure to the British themselves. There was a time when because there was no *lingua franca* in the country, except perhaps Urdu—but Urdu is known and talked only in the upper half of India, and it is not known at all in the lower half of India—when a man in the South could not make himself understood by a man in the North, and the same might be said of the people in the East and the West of India. All that has now been changed, thanks to the spread of English education throughout the length and breadth of the country. In that way I say the British are responsible, to an extent, for the growth of a national spirit in our land through the medium of the English language.

With regard to the Parsees, I mentioned that their population in British India is 88,000. Their total population in the whole of India, including the Indian States, is 102,500. Out of the 88,000 in British India, more than 50,000 are in Bombay City, and there are several thousands more in other towns in the Bombay Presidency, so that the bulk of our population is in Bombay and the Bombay Presidency. I may claim with pardonable pride that we have held our own in the matter of civic duties, elections to the Council and to the Municipality, and in so many different spheres of activities. If we have done so it may be because we have taken more kindly to Western ideas and Western thoughts, as a result of which we were perhaps the earliest to advance in the matter of education, so that to-day we can claim that the percentage of literates in our community is cent. per cent. When I say that our community has adapted itself to Western ideas more than other communities, I do not want it to be understood for one moment that we do not sympathise with our Indian brethren. We most certainly do, for we regard ourselves as Indians. We have been in the country for more than 13 centuries; in fact, we have been there longer than those Englishmen, who are the descendants of those who accompanied William the Conqueror to these Isles, have been here. Consequently, we share with our Indian friends their aspirations, and we too demand Dominion Status with safeguards; but the right way to proceed about it is by the method of joint electorates.

As I have said, we have held our own; and I should like to quote a few figures to show our position. Take the case of the Bombay Municipality, which has 106 members. Though our population in the city of Bombay amounts to only 5 per cent. of the total, we are able to capture in open contest more than 25 seats in the joint electorate. In the case of the Bombay Legislative Council, until two years ago there were 112 members, but that number has been increased by two in the last two years. It is now 114, of whom there are 86 elected members. In the 86 there are six Parsees, all elected, which gives them a percentage of 7 per cent. of elected seats in the Council. I am afraid, however, our percentages are now falling, and they are falling because of the system of separate electorates and also because of the spirit of communal feeling which is unfortunately on the increase. That feeling is on the increase, beyond all doubt, and unfortunately Government themselves seem to encourage it. I can quote instances where a post has been filled not on the score of merit, but, if there are candidates of equal merit, one belonging to another minority, Muhammadan or Depressed Class, has been selected, and the Parsee has been told that because he happens to belong to the Parsee community his community will be better able to take care of him. That is not a sound argument, may I contend it is unfair; but in spite of it all I do not say that we as Parsees should have any special concessions.

I for one think, and there are many in my community who agree with me, that we shall continue to hold our own if there are joint electorates. If, however, even in the joint electorates there is reservation of seats for some other communities, then I know there is a section—and a growing section—of Parsees which thinks that the interests of the community should neither be ignored nor neglected, and that they too might be given reservation of seats in the Council.

This sub-Committee is dealing not only with minorities but also with special interests. Labour has already had its say; Labour requires representation. I trust Capital will not be forgotten, and Capital is a broad term which includes commerce, industries, mining and various other interests. I hope that if there is reservation of seats these separate special interests will also not be ignored nor forgotten.

Lieut.-Colonel Gidney: Sir, as the decisions of this sub-Committee are of very vital interest to my community, and as I have no desire to stray from the notes which I have jotted down, I trust you will forgive me if I read what I have to say.

Whatever may be the future of India, the Anglo-Indian community is, for better or for worse, an indissoluble part of that future. We are the sons of the soil who not only have our roots in the country's past but live, work and die there in the pursuit of our avocations. The welfare of India is our welfare and our welfare is part of the welfare of the whole country. We accept the implications of our Indian nationality and we look forward to a glorious future for our Mother country. As spokesman of the Anglo-Indian community (in which expression is included European British subjects domiciled in the country), I must however make it quite clear that in our politics there is one fixed star from which no considerations of communal or personal advancement or benefits will ever make us deviate, and that is our inexpurgable loyalty to the Crown of England. And in saying this I am not employing mere words, for the history of my community from its very beginning is proof of my assertion. We have never hesitated to seal our loyalty with our blood. There is not a page of British Indian history on which our names do not appear and in the Great War we gave 80 per cent. of our manhood to serve with the colours, and I might mention that Robinson and Warneford, the Zeppelin V.C.'s of the Great War, were members of my community. And they are only exemplars of innumerable humble unknown fighters who gave their lives willingly, even joyously, in a cause which they conceived to be the cause of their Motherland—India—and of their Fatherland—England—which many of them had never seen. The many Rolls of Honour in our Public Schools are living testimony of our service and sacrifice for the Empire.

I shall not dwell longer on this theme, for I am not here to ask for payment for services rendered. I will not attempt to drive any bargain with you because after centuries of loyal and absolutely selfless devotion to England's and India's cause, I cannot pretend that my community and I are going to turn against you in distress and make of your trouble an occasion for our advantage. We have never done it and we never shall do it. In this there is nothing denoting meanness of spirit, because all our actions are impelled by forces too deep and too fundamental for rational analysis.

But I would like you to realise that I am talking not as an Englishman but as an Indian and I want my Indian brothers to try for a moment to put themselves in my place. By law, by residence, by environment and circumstances, I am an Indian. But by blood also I belong to Britain. For me, therefore, there is no antagonism between India and Britain. They are both my countries. I am unable to see any difference between the welfare of the one and the welfare of the other. Unfortunately, of late years speakers in India have not hesitated to draw a distinction between Indian Indians and Anglo-Indians, as though there were some fundamental clash between the interests of India and Britain. But I would ask you to think over the sayings of some of the finest spirits who have graced the history of Indian India during the last century and a half, that is, since the British dominion in India began. They include the great names of Ram Mohan Roy, Keshab Chunder Sen, Sir Saiyid Ahmed, Mr. Gokhale, and, a name that will appeal to every Indian here, the late Mr. C. R. Das. These and innumerable other great Indians had in their hearts an ideal England which they loved and to which they gave their wholehearted devotion. Let me quote from the last public speech which Mr. C. R. Das ever delivered—his now famous speech at Faridpur, on May 2nd, 1925:—

> "It is realised that under modern conditions no nation can live in isolation, and Dominion Status, while it affords complete protection to each constituent composing the great Commonwealth of Nations called the British Empire, secures to each the right to realise itself, develop itself and fulfil itself, and therefore it expresses and implies all the elements of Swaraj which I have mentioned. To me the idea is specially attractive because of its deep spiritual significance."

My Indian brothers, you know that that is the England which holds your loyalty and, therefore, you must not blame us, in whose veins the blood of this people runs, for holding steadfastly to the country which holds your devotion, you who are children by adoption and not by nature as we are. I have dwelt at some length on this point because our attitude has been so often misunderstood in India and in England. We hold to the British connection because there is that in us which will allow us to do no other. Through fair weather and foul, we have stood by England and we shall continue to do so.

And now, what is our claim on India? It has been said, and with obvious truth, that the India of today is very largely a creature of modern communications. Whatever India may be racially or politically, there can be no doubt whatever that economically she is a unity, and that unity is the result of the growth of the net-work of communications of all sorts which traverse her surface in every direction. And it is a matter of history that it was the Anglo-Indian community which constructed and worked those communications when it alone of all Indian communities was equal to the task. We hear a good deal in these days about nation-building activities, but I would request my Indian colleagues to ask themselves seriously and without prejudice if we, the Anglo-Indians, have not been nation-builders in India in the true sense? We have built and worked India's communications. We have shed our blood in defence of India. We have been active and law-abiding citizens. Innumerable units of local self-government have benefited by the work of thousands of obscure Anglo-Indians and I doubt if anywhere else in the Empire there is a body of citizens so uniformly law-abiding as the Anglo-Indians of India. I ask you, therefore, in all earnestness if such a record as I have sketched—very inadequately and I fear all too incompetently—does not deserve recognition. Is it not worth India's while to preserve the integrity of such a body of citizens in her midst? We could be crushed out of existence easily enough. But in so crushing us, would not India lose something which it would be well worth her while to preserve? Let me repeat: the key-note of our nature is loyalty, and that loyalty is to India no less than to Britain. We are so small in numbers that the posts which we occupy in the public service form a merely infinitesimal percentage of the total number of posts available. India would gain *nothing* by expropriating us. On the contrary, she would lose what I think I am justified in describing as a most valuable element in the Indian polity. That is our claim on India.

What is our claim on England? Only the one claim and that is unquestioning devoted service and

loyalty always and in all circumstances. We are not asking England for any favour or to do any injustice to any other Indian community, but we do ask that in the face of more insistent—perhaps I might say more powerful—claims, ours shall not be overlooked and our interests shall not be sacrificed where they ought to be and can be preserved, and that our apprehensions as to our future be assuaged.

Our problem is more an economic than a political one, and I am prepared to admit that its solution lies in the acceptance by us of the position of natives of India. Indeed, we are natives of India. But of what use is this to us when certain sections of our Indian brothers refuse to accept us as such? True, we have the protection of the Instrument of Instructions, but these powers have never been once exercised in the past decade during the operation of the Reforms, with the result that today, owing to the unfair application of Indianisation of the Services, and the political pressure of more powerful communities, we find one-third of our people unemployed. A reference to the Indian Census of 1921 will show that about 600 of the 38,000 males of the community were unemployed at that time. Today, as the supplementary memorandum submitted by us to the Indian Statutory Commission shows, it will be seen that, out of a total employable population of 43,000, there are 14,200 unemployed, or one-third of the community, and this notwithstanding the Instrument of Instructions to Governors in the 1919 Government of India Act which enjoins them to protect minorities, and paragraph 346 of the Montagu-Chelmsford Report in which our protection was placed as a special obligation on the Government. It was for this reason we asked the Indian Statutory Commission in our Memorandum for statutory economic and educational protection for 30 years. It was because those Instructions had not been observed that we sent a deputation in 1925 which waited on the Secretary of State for India. The reply received four years afterwards from the Government of India was a complete evasion of the issues we had raised, especially with reference to our anomalous status, which still remains the most serious handicap in our communal progress. Then came the Indian Statutory Commission to whom we submitted a Memorandum. In that document will be found details of our history, grievances and demands, and I would earnestly urge my colleagues on this Committee to peruse that statement, for without such knowledge you will not be able to understand and solve the Anglo-Indian problem. We now have before us the Report of that Commission.

In Vol. I there is a handsome tribute to the services rendered to India by the community and a generous admission of our acute economic difficulties and our apprehensions in regard to our future.

"For a long time the usefulness of Anglo-Indians in staffing administrative posts was widely recognised. The community has played an honourable part in developing the country and in supporting the forces of order. These avenues of employment are the more important to it since Anglo-Indians are not cultivators and few of them hold commanding positions in the world of commerce. It is, generally speaking, a poor community; the standards of life it endeavours to maintain make this poverty still more severely felt; it is domiciled in India, and must make India its home; and it now finds itself, largely as the result of the Reforms and the progress of Indianisation, exposed to the danger of falling between two stools."

But in Vol. II, I regret to note that the authors of the Report are not prepared to protect us statutorily and recommend that any protective provision should be embodied in the Instrument of Instructions, as per paragraph 15. The only solace we can find in this Report is to be found in Vol. II, paragraph 340, which says:—

> "We have one observation to make in regard to recruitment by the Central Government. In our first volume we have described the peculiar position of the Anglo-Indian community and its economic difficulties. Its dependence upon employment under the Central Government is due not only to its aptitude and capacity but to the policy of Government in the past. We suggest, therefore, that some special consideration should be shown to the community in recruiting for the central services with which it has a traditional connection."

I now turn to the recent Despatch of the Government of India on the Indian Statutory Commission Report, and find the following passage:—

> "The community is faced with very special problems of its own. Its main interests may be summed up as entry to the Services and educational facilities. So far as concerns the former, the field of employment which is of particular interest to the Anglo-Indians is to be found under the Central Government, especially in the railways and the Telegraph Department, and in a later passage we refer specifically to the possibility of giving such protection as may be practicable to their position on the railways. But their educational problems fall within the Provincial sphere, and we regard it as important that they should be enabled, particularly from this point of view, to make known their needs and their case."

The Government of India realising their insecure position has made a special reference to the position of the community on the railways, in paragraph 192:—

> "The purposes in which Parliament must, we think, continue to be interested so far the railways are concerned fall under the heads of Defence, Finance, the Services, and the Anglo-Indian community . . . . The Anglo-Indian Community has in the past rendered very important services to the railways and still holds a large number of posts, in particular branches of railway work. The economic life of the community is indeed to a large extent dependent on the opportunities of employment which the railways offer, and its members are gravely apprehensive of what may occur, if and when any change takes place in the present system of administration and control. In view of the history of the community, a special obligation, we think, rests upon Parliament, before relaxing its own control, to ensure, as far as may be practicable, that the interests of the Anglo-Indian community are protected."

Sir, I feel I must draw the particular attention of this Conference to the inspiring and assuring message given to the community by His Royal Highness the Prince of Wales when he last visited India:—

> "Gentlemen, you may rest assured that I now understand the conditions under which you live in India, and the useful and honoured place which you fill as citizens in the Indian Empire. Your aims and aspirations have my sympathy. Your devotion to the cause of India, the land in which you live, and your desire to maintain an honoured place for her within the Empire do you credit. I shall watch the progress of your community with the closest attention. You may be confident that, Great Britain and the Empire will not forget your community, who are so united in their devotion to the King-Emperor and who gave such unmistakable tokens of their attachment to the Empire by their great sacrifices in the War."

A review of these extracts proves better than any words of mine could, not only the existence of a very acute and living communal problem and its great complexity, but also the inability of either the Secretary of State or the Government of India to evolve any protective measure. I gratefully admit that the Government of India has tried its utmost to realise its duties and to help the community in its own efforts to elevate and protect itself, but you

will agree with me that in its recent Despatch it has practically admitted its inability to do so any further and now places such responsibility upon the British Parliament and recommends that the protection of our future must be a special obligation resting upon it.

Sir, our demands can be reduced to two main points:—(*a*) our employment in the Government Services, and (*b*) our education, and it is on these two essentials that I seek protection and safeguards. It is no use asking us to emigrate to other parts of the Empire for we come under the colour bar; nor is it a practical measure just now to advise us to enter into private enterprise for we are a small and poor community. Moreover, we cannot to-day be expected to sink our communal identity and manner of living to satisfy any political expediency. The community is asked to metamorphose itself if it is to secure recognition and a place in the future India. This cannot be done with a stroke of the pen or any sudden change in the constitution of India for that would completely wreck our economic condition. This change will take some time, and it is during this transitional period we ask for protection and safeguards. It must be obvious that if the community is to succeed in its struggle against stupendous odds it must have every facility for equipping itself educationally to meet the situation. The improvement of educational facilities is therefore our first requisite, but linked with this is the necessity for protecting the community from further displacement in the Services, for the education of the child is mainly dependent on the economic security of the parent. It will therefore be seen that these two requirements are inseparable. Let me take the first one. I have official statistics in my possession to show that during the past few decades the percentage of Anglo-Indians in the Bengal Government Offices has fallen from 90.5 to 18, in the Provincial Executive Service it has fallen from 32 to 4, and in the Judicial from 29 to nil. The same state of affairs will be found to-day in the Government of India and other Provincial Secretariats, as also in the Postal Department where there is no room for any further Indianisation; while the demand of a University Degree has practically closed to us for some years to come (i.e., till we are educationally prepared to compete) the doors of all Provincial and Superior Government Services. To-day we hold about 20,000 appointments in the total employment in Government Services of nearly two million. In the railways out of a total of 800,000 employees there only about 14,000 Anglo-Indians. Indeed, when all is said and done, the numbers involved are so infinitesimal as compared with the teeming millions of India that any protection that may be afforded, while it will be the salvation of our community, would hardly be felt by the Indian. It is the protection of just these few appointments which I am pleading for and which the Government of India has now called upon the British Parliament to effect. In this Conference, Sir, I am not appealing to Parliament alone—I stand here to-day as a representative of the community to plead its cause before a Conference representative of both India and England and in which all parties of the British Parliament are included, and I feel I can confidently ask you to see that a community that has rendered such service to the Empire will not be submerged in a future India. Equally with every other community I have a right to live and to demand that in any future Government the position of Anglo-Indians will be rendered secure and that we will not be deprived of the position we hold to-day in the various Services. The other minorities have made their demand for protection more or less in perpetuity. I do not ask for this. All I ask is that we be protected for a period of 30 years to enable us to equip ourselves. I also ask that the education grants of which we are in receipt to-day be not curtailed for a similar period and that an Educational Trust Fund be created.

The question is: how is this protection to be effected? I realise that the problem bristles with difficulties, but where there is a will there is a way. Various minorities have made their specific demands on this Committee. We are familiar with Mr. Jinnah's 14 points. We share the fears of our Muslim brothers and we offer them our whole-hearted support. We stand for communal or separate electorates, till such time as we feel we can dispense with such a safeguard. Being a labouring class, we have every sympathy with the demands made by the Labour Representative on this Committee, except as regards adult suffrage. With a similar exception, we also support the demands of the depressed classes and Indian Christians. Most of them have demanded a Declaration of Rights, which to my mind would be the ideal solution, and if it were possible to incorporate such a Declaration into the Statute, I would give it our entire support, and ask for such a Declaration for the Anglo-Indian community. I have no faith in any Instrument of Instructions to Governors, for during the past decade these have operated against the community. It is for this reason that I press for statutory protection of our economic and educational interests. In any case, so far as the Anglo-Indian community is concerned, the new constitution should provide:—

(1) That the Anglo-Indian community (in which expression is included European British subjects domiciled in the country) be specifically classified as natives of India by statute, and as such enjoy all benefits;

(2) That the present interests of the community be not prejudicially affected by any change in the constitution of the Government of India;

(3) That there be adequate protection of our religion, language and personal laws;

(4) That there be no discriminatory legislation against minorities;

(5) That the community be given adequate representation in all Legislatures;

(6) That in the event of failure on the part of either a Provincial Government or the Central Government to comply with the provisions of a statutory enactment or rule or any Instrument of Instructions an appeal shall lie in the case of the former to the Central Government and to a higher tribunal, and in the case of the latter to a higher tribunal;

(7) That the minority communities (excluding the Muslims) be represented on all Ministries, Provincial and Central, by at least one Minister;

(8) That a Public Service Commission be appointed in every Province, and that at least two of its members be representative of minority interests.

Failing this, I would urge that a member of the Executive Council or Cabinet be specially charged with the protection of Anglo-Indian interests, with a view:—

(*a*) to ensure that its employment in the government services, especially the Central Services of India, does not fall below a certain percentage for a stated number of years—the present percentage, which can be ascertained, to be taken as the standard and the period of protection to be not less than 30 years;

(*b*) the protection of European education, which is inseparably connected with our religious training—this protection to take the following form:—

(1) The immediate creation of an Educational Trust Fund, of an amount equal to the present total annual contributions by various Provincial Governments and the Government of India for European education, viz.: 50 lakhs of rupees, the interest from which to be utilised for scholarships and stipends for Anglo-Indian boys and girls to secure higher education both academic and vocational, in India and Europe; and this without prejudice to the present grants-in-aid which should continue to be given for the next thirty years;

(2) The allotment to this Educational Trust Fund of any sums lapsed to the State owing to the demise of beneficiaries of any other Anglo-Indian or European Trust Fund, such as the "Upper Military Asylum Fund" and the "Uncovenanted Service Family Pension Fund."

Sir Hubert Carr: I think the proceedings so far show us how necessary it is that all minorities shall take advantage of this great opportunity for stating the requirements of their position and the safeguards which they call for to enable them to feel that sense of security which alone can make the future constitution satisfactory. I need not go into the history of the British merchant and civilian in India; it is well known and it would only take up unnecessary time; but I would like to stress the position that throughout that history the relationship between the British non-official and his Indian fellow-citizen has been of the happiest description. In former days it was more frequently restricted to the relationship which extended to the Indian in subordinate positions in offices and factories, but to-day that relationship has changed largely to one between co-workers, and to-day all my community welcome the partnership which exists and grows between the Englishman and the Indian in commerce and in civil life in India.

Of course, we cannot be expected to look at this question from exactly the same standpoint as other minorities. There are obvious differences, but perhaps there is a bond which is not quite so obvious, and that is that there is a bond of very real sympathy between the Englishman in India and the Indian; and—I say it without any fear of being questioned—that opinion amongst my community in India of late years has taken on a sympathetic colour, and a practically sympathetic colour to Indian aspirations which may have been wanting in the past but is certainly not wanting to-day. We are—I say it definitely—anxious to see India progress to that goal which has been announced and from which nobody wishes to detract in any way, and we are happy to lend our support as far as we can to making conditions such that a self-governing India becomes materialised. To those—and there must be those—who are cynical as to our outlook in this respect, I can only make another appeal to the genuineness of my position, and that is by saying that we recognise perfectly well that our material gain as merchants and commercial men in India is wrapped up with the happiness, prosperity and progressiveness of India as a whole.

In putting forward our claims, I would like, if I may, to recall the kindly remarks that were made at the opening of the Conference when Sir Tej Bahadur Sapru said: "We are anxious that our friends the Europeans who have settled down in India, or who carry on their business there, should feel that they have the same rights and privileges which genuine-born Indians have. They are welcome to suggest any safeguards for their rights and interests, and we shall be more than willing to meet them." Mr. Jayakar also, speaking from another standpoint, forecast a friendly attitude towards our claim when he said: "Speaking of British commercial people in India, I can assure them that we are quite willing to sit down and consider safeguards which will give them an equal chance with British Indians."

Now, such assurances in tackling what may be a difficult question is full of promise for a satisfactory outcome, and particularly when those who are not definitely represented here mentioned in the All-Parties Conference, in their Supplementary Report, speaking on the word "citizen," suggested that it should mean every person who, being a subject of the Crown, carries on business or resides in the territories of the Commonwealth.

Now, with such feelings, surely the expression of such good will is good enough, and, as I say, we do accept it with much appreciation; but it must be recognised that there are parties who very definitely dislike our position in India; they think it has been unfairly won, and they are very ready to take advantage of any constitutional position to undermine ours. The dangers are set forth so clearly in the Government of India Despatch, beginning at paragraph 184, which has been in everyone's hands, that I do not think it necessary to dwell on them; but our interests out there are enormous, and we must get them on a proper basis for protection.

The protection we ask for is of a double nature, because it is not only personal, including civil rights, education, etc., but also commercial, and it is twofold in operation: it is legislative and administrative. Firstly, it is essential to the proper representation of our community that we should have separate electorates. With us there is no possible alternative. Perhaps when we have been there thirteen centuries, we may be prepared to give them up, but meantime we can conceive no other method by which we can send representatives to assist in the deliberations of the legislature who will have our confidence and represent our views.

Regarding the civil and criminal law, the present arrangement appears to be thoroughly satisfactory, and you will remember that it was the outcome of a very searching enquiry conducted in 1922, when some of those here to-day and myself were in consultation in trying to find a *via media* which would satisfy all communities; and it is interesting to remember that in finding that satisfactory solution there was no diminution of any rights, but the solution was based on a levelling-up by which all of us received the same rights and privileges. We do feel that those privileges, such as they are, are extremely valuable, and we could in no way offer to forego them. I would remind you, not now speaking simply of our community in the big cities, that we have members scattered all over the mofussil, up in the planting districts, out in the jungle, and one knows perfectly well that amongst the backward people with whom they are largely brought into contact the false charge and the easy manufacture of evidence is something which constitutes an extremely real danger to those working in the mofussil unless they have their protection. Therefore that protection is absolutely necessary to us.

It is on that basis of equal rights—in those criminal laws we are not asking for any rights which are not shared with Indians—and it is in that spirit that I approach the commercial question. We are not asking for any rights or privileges for our own community; we simply want to be recognised to have exactly the same rights—when I say "we" I refer to those of us from Great Britain and Northern Ireland—as any of His Majesty's subjects in India with regard to commerce and industry. That is a point which we do not attempt to make on behalf of all citizens of the British Empire. We recognise the position of India, and we feel that it should be open to the Indian Government to make such arrangements as it wishes to make with other parts of the Empire who may discriminate against India. Therefore my claims are made on behalf of those from Great Britain and Northern Ireland.

One of the criticisms in dealing with this subject is, we think, a very reasonable one, and that is that many of us live and work out there, bring home such of our savings as we can make, at any rate to a large extent, and if we die the day after arrival the English Chancellor of the Exchequer gets the full benefit. Well, we think that that is a matter which only has to be ventilated to allow some arrangement between the two countries to be arrived at, and it is one to which my community is perfectly sympathetic.

I would like to make it clear, Sir, that in asking for absolute rights, the same as we have at present and the same as are enjoyed by Indians in India and in England—the whole position is reciprocal—that we are not wishing in any way to attempt to put any restrictions upon Indian fiscal policy. If India

wishes to go in for a tariff wall she must be allowed to decide her own destiny, but behind that wall we would expect to be allowed to work in exactly the same way as Indians. We may have feelings about the tariff wall, as to whether it is wise or not, but that is not a matter to enter into here, and we do very strongly favour a Tariff Board such as is operating in India, and is really accepted as a pattern to the world.

One of the points upon which we do differ very strongly is this question of the policy set forth in two or three places, but particularly in the External Capital Committee, where the proposal is made, and has been more or less adopted, to insist upon a certain percentage of Indian directors and Indian capital and Indian staff in industrial enterprise. Well, that is coupled with various proposals in other parts to put restrictions upon European banking and insurance, etc. These restrictions are based for precedent upon conditions ruling in various countries, such as France and Russia, and even in Germany. We could not possibly accept that as any basis whatever for the treatment of British Commerce in India. We absolutely object to making race a question of management of business and industry. To start with, we do not believe it is really practical to insist upon a certain number of Indian directors. That would be to create a union which, if effective, would only lead to friction and could be made easily ineffective—for I do do not think "guinea pigs" in India are any more expensive than they are at home.

As regards capital, we claim absolutely equal rights for sterling and rupee companies, except when Government makes a specific financial assistance to some concern; then we recognise obviously the right to demand that that capital shall be rupee capital; but indiscriminate instances of this point would only militate against the standing of various useful institutions such as Banks, Insurance Companies, etc., and would achieve no good object in our opinion.

May I deal with one point which is sometimes made—that the British have made good use of their time. It is put in rather another way—that the British have been racially so favoured that they have got into a position which cannot be overtaken by Indian enterprise if all start at the present time on the same lines. We cannot be expected to agree with that. If we have established a position out there, it has not been anything to do with racial questions; it has been fair competition. It has been open to anybody. That is proved by the many prosperous Indian concerns in India. It is merely a matter of competition. We are out there for a certain purpose, and we have made the best use we could of our time; but we do not admit for one moment that any question of raciality has contributed to our position, or that on that account we should be in any way handicapped under the new constitution.

To meet these difficulties on which I have touched, two years ago when the Simon Commission was out we put forward certain proposals for a prohibition on legislation to give us our safeguards. The Commission found that unsatisfactory: so much of the undesirable discrimination would, as they pointed out, be administrative rather than legislative. But we do feel that we might approach this subject from a different standpoint, and I would particularly like to put it before this Conference, which is representative of India. We would like to base the British Commercial position in India upon a perfectly open treaty based on reciprocal treatment in the two countries and formed between the Government of India, and the Government of Britain. Such an agreement would give us absolute equality of position out there with any Indian commercially and industrially. It would cover all persons and parties in both India and Great Britain and North Ireland and it would be intended to cover immigration, settlement, residence, travel, exercise of any forms of occupation, the carrying on of any kind of business or the acquisition of any kind of property—in fact a general trading agreement on national lines between the two countries. With our great interests to watch, we have naturally taken up such an agreement as this with lawyers, and we have got the best advice we can, and we have a draft agreement which will be produced for examination at the right time.

But the principle of absolute equality for English people living in India is the principle I would like to see adopted by this Conference, and approved by this Conference, and a principle which, in view of the quotations I gave from some of the most prominent members here, seems to be in line with the general sympathetic attitude with which you have listened to my claims, and to the general friendly relationship which exists between us in India.

Perhaps I may conclude by putting again my three great points. We want absolutely definitely separate electorates. We want the maintenance of civil and criminal rights such as we have now, and we want the safeguard of our commercial rights on a basis of reciprocal agreement which will accord Indians in England the same rights as we ask for in India.

Dr. Moonje: As representing the majority community, and as being regarded as an elder brother in our Indian society, I as the elder brother have the right and the privilege of making concessions and pulling ears also as occasion requires.

I am asked to make a statement at a time when I do not know officially or formally what the demands are on behalf of the great Muslim community. I have heard what my friends Mr. Srinivasan and Dr. Ambedkar had to say.

Dr. Ambedkar: I have not said it yet.

Dr. Moonje: I have heard what my friend Sir Phiroze Sethna had to say. I have heard what Rao Bahadur Pannir Selvam had to say, who represents part of his Christian community. All other minorities have made it quite clear that they regard separate electorates as an evil and that they are prepared to cast their lot into the common pool. (Indications of dissent.) I make an exception in the case of Sir Hubert Carr. I have not in mind the sort of minority he represents—men who go out of England and make their pile in India and then go back home, and other men following and doing the same thing. I am thinking of the true children of the soil,—those who are the minorities, excepting half of the Christian community and excepting the Muslims. They are all prepared to merge their whole lot in the common pool of Indian Nationalism.

Lieut.-Colonel Gidney: Not the Anglo-Indians.

Dr. Moonje: I should therefore have expected that the Mussalmans would make out a good case for their special demands; but, since it is not forthcoming at the present moment, I have therefore to fall back on general grounds.

The minorities problem is not a problem peculiar to India; it has been a great problem in Europe, and that problem has been considered and solved to a very great extent by a body called the League of Nations, which has evolved certain principles and certain methods of work. If those principles and methods of work are taken as a test, I think it should provide a most desirable solution of the problem that seems to afflict us, and for that purpose I should like to quote a few principles which I have noted down as to how they have solved the minorities problem in Europe.

In Europe it seems that the minorities have been suffering under much greater disadvantages, the like of which are not to be found in India except to some extent in the case of Dr. Ambedkar, and Dr. Ambedkar's case is a religious and social question of ours. Except in the case of Dr. Ambedkar, no minority in India has suffered the same calamities, the same shortcomings, the same difficulties and disabilities that the minorities in Europe have suffered; and, taking that into consideration, I am surprised at the very general methods by which they in Europe have tried to solve their problem.

They have defined a minority in a way which I think constitutes the real definition of a minority; they have defined a minority in such a way that the unity of the State may not be destroyed. The State as a whole must be maintained, provided sufficient protection is given to the minorities where protection is needed. They have said that the minorities could be defined only in point of their religion, in point of their race, and in point of their language; these are the three qualifications by which they have defined a minority. They have not recognised a minority in the public administration of the country; they are all regarded in the public administration of the country as equal national subjects of the State, whether they be by religion separate, whether they be Poles or Ruthenians or Lithuanians or whatever it may be, or whether they speak different languages. In the public administration of the country they are all nationals, and there is no discrimination on the ground of race, religion or language, and they have amply provided for their protection.

There is no need for protection on those grounds in India. I do not think any Mussalman has made the complaint—I do not think such a complaint has been made by any Sikh, Christian or Mussalman—that his religion has not been sufficiently protected or that his language has not been sufficiently protected or that not sufficient help has been given for the advancement of his culture. (*Indications of dissent.*) So far I do not think there has been any complaint, but I am speaking under a handicap, because I do not know what the Muhammadan case is. If your statement be that you have suffered under the Hindu majority in respect of your religion, in respect of your language or in respect of your culture I should like to know your instances, and then I should be prepared to give you adequate protection; but, so far as my knowledge goes, no such grievance has been made out. If there is any sense of grievance on that account, I am prepared to give the greatest measure of protection that is needed on the lines settled by the League of Nations. They provide for complete protection of life and liberty and the free exercise, both public and private, of any religion whose practices are not inconsistent with public order and public morals. That is guaranteed to all the inhabitants without distinction of birth, nationality, race or religion. I think as things stand in India at the present moment there is no need for protection of this kind, but if there is a feeling of grievance this will give the fullest assurance of protection.

Provision is also made by the League of Nations for the removal of the disabilities of minorities in respect of the restriction of admission of minorities to the universities, and the liberal professions, to positions as commissioned and non-commissioned officers in the Army, public services, legislatures and cabinets. I do not think there is any allegation that in India they have not been given, or have been prevented from having, their adequate share in all these cases. I do not think there is any such allegation, but if there is I am quite prepared to make proper provision in order that any grievance, if grievance there be, may be removed. That is why I awaited a statement from the Muhammadans, so that I might know how to reply.

Provision is made for placing all nationalities, irrespective of distinctions of race, religion or language, on a perfectly equal footing before the law, so that these distinctions shall be no bar to any political or civil right, such as the possession, purchase or sale of landed property, acceptance of tenders for public works, granting of credits for building and reconstruction work, forming of guilds and co-operative associations, etc. I do not think there is any grievance on this account in India, and therefore I do not think there is any demand for protection on this account.

All nationals of a State are to enjoy the same civil and religious rights, and no one is to be debarred on religious grounds from admission to public employment or functions or honours or from the exercise of professional duties. There is no grievance by any minority in India in this matter. The utmost demand that has been made in Europe was made when all the European minorities met together in a national Congress of their own and passed a resolution which represents the utmost they demand, and which is as follows: "The Congress demands the introduction of an electoral system which will ensure the representation of minorities in proportion to their numbers." That is the utmost demand that I can find which has been made for representation in the legislatures. I have not been able to find any illustration of the kind of demands so far reported to have been made in public by our Mussalman friends. I do not know whether I should refer to what appeared in the Press yesterday as a report of a speech made by Sir Muhammad Iqbal.

Raja Narendra Nath: Yes.

Dr. Moonje: He is President of the Muslim League in India. I am loath to refer to that matter, but as insistent demands on these lines have been made, I am painfully obliged to refer to it. But instead of replying to that mentality in my own language, I should like to make an appeal to my brethren here to listen to the advice given on the subject by an expert on the problem of minorities, Professor Gilbert Murray. Professor Gilbert Murray, who is one of the recognised authorities on the subject of the protection of minorities, says that the Minority Clauses in the Peace Treaties, based on the principles which I have stated, contain the best practical remedy, but at the same time hold out the warning that minorities cannot expect to be treated as friends and fellow-subjects if they regard themselves as foreigners and put their faith in their kinsmen beyond the frontiers.

I appeal to our Muhammadan friends not to let sentiment run away with them. We are all people living in India; there is no difference in bone and blood between you and us. We are all children of the same people, and we are prepared to give you the utmost protection your demand for your culture, for your religion and for your race progress. I appeal to you to take up your courage in both hands and to put yourselves in the common pool of the nationality of India; and I am positive that if you try that experiment for the next ten years you will never have cause for complaint, just as Sir Phiroze Sethna has no cause for complaint. On his merits and on his competence and on his intelligence he has been able to hold his own, and we have regarded his people as pioneers in certain industries and as occupying a position in regard to them to which we can never aspire. In the same way, if you take your courage in both hands and put yourselves in the common pool of nationality, and then there will be no cause for any kind of grievance; everybody will take his own share according to his competence, intelligence and capacity and other merits that go to make a man a man.

Beyond that I have nothing more to say at the present moment. I may say it is exactly on these lines, though without studying these European arrangements beforehand, that the Hindu Mahasabha has issued a statement with regard to the demands made by the Muhammadans informally in public. I am glad to find the principles enunciated by the Hindu Mahasabha in dealing with these demands are exactly on par with the principles evolved by the League of Nations. I was absolutely in ignorance of the principles laid down by the League when these principles were drawn up by me in the Hindu Mahasabha, but, having read these things since coming over here, I find I have nothing to withdraw from the statement I have drawn up on behalf of the Hindu Mahasabha with regard to the Muhammadan demands.

This is the only statement I can make at the present time, but in view of any special points which may be brought forward later I reserve my right to give my answer when the time comes.

Sir Muhammad Shafi: Mr. Prime Minister, on Friday last you were pleased to address a weighty appeal to the representatives of all the various groups

in this sub-Committee for an amicable settlement of the minorities problem. Your appeal was supplemented by two very touching appeals made by the two lady members of this sub-Committee. With the exception of one discordant note, with which I shall deal later, the representatives of the other groups have placed their respective cases before this sub-Committee for its consideration, and it has fallen to my lot this morning to make a statement on behalf of the Mussalman community.

In making that statement I propose to confine myself, with the exception, of course, of a few brief preliminary observations, to the points which fall properly within the cognisance of this sub-Committee, leaving out those matters with which really the Federal Structure sub-Committee is concerned.

My friend Dr. Moonje has indulged in a few generalities and has stated that until he knows what the demands of the Mussalman community are he is not in a position to discuss them. My friend has been in possession of those demands not only since his arrival here in this country, but since December 31st, 1928, and January 1st, 1929, and yet he has been pleased to ignore them, if I may venture to say so. I should have thought that the best plan, before the representatives of the three great British parties, would have been to deal fairly and squarely with those demands, of which my friend Dr. Moonje is aware already, and not, after indulging in a few generalities, to sit down, as he has done. That is, I submit, a perfectly legitimate complaint on my part as the representative of the Mussalman group.

So far as nationalism is concerned, so far as our patriotic duty to our common Motherland is concerned, I venture to think that the Mussalman representatives have given conclusive proof of it, not only on the day when His Majesty the King Emperor opened the Conference, but also during the Plenary Sittings of the Conference which took place in the first week. We have in plain language unequivocably made it perfectly clear that we, as sons of India, claim for our country Dominion Status as an equal partner in the British Commonwealth of Nations. And, therefore, neither Dr. Moonje nor anyone else, I venture to submit, has any right to question our patriotism and our nationalism.

But we on this side recognise the distinction between status and constitution. Let me make my meaning perfectly clear by giving you two illustrations. In the international sphere France and England occupy the same status as independent countries; the constitutions of both are founded on democratic principles; yet the constitutions of the two countries are poles apart, since one is a Republic and the other a Constitutional Monarchy. Coming nearer home, we have the British Commonwealth of Nations, of which we hope soon to see India as an equal member along with the other Dominions. Now, the constitutions of these Dominions are also based on democratic principles, and yet, if you compare the constitution of Australia with the constitution of Canada, not only will you find differences in detail but even differences in basic principle, for one is centripetal and the other is centrifugal, so that so far as constitution is concerned it must be distinguished from status: And to frame a new constitution for a country in blind imitation—if I may use the expression—of other constitutions elsewhere, in total disregard of the actually existing conditions in that country would, I venture to submit, ultimately end in disaster.

Now, what are the actually existing conditions in India which must be borne in mind in framing a constitution for that country, if that constitution is hereafter to work smoothly and is to secure the happiness and contentment of the 310 millions of His Majesty's subjects in that country?

So far as this sub-Committee is concerned, we have first of all the millions of pre-Aryan aborigines of India, who are now generally referred to as the Depressed Classes, and who have for 3,000 years in the history of India been treated by the Aryan conquerors as untouchables. We have next the Aryan conquerors, the caste Hindus, who have appealed to us in the name of nationalism and who constitute, no doubt, the largest group—the majority, if you like to call it so—in the country. Next—and it is in their proper sequence historically that I am mentioning these various groups—you have the 71 millions of His Majesty's Mussalman subjects in India. In regard to this group there is one fact to which I invite the attention of this sub-Committee in particular, and it is this. The political importance of this group, not only from the internal and the international points of view but also from the point of view of its capacity to contribute to the defence not only of India but of the British Commonwealth of Nations, must be borne in mind.

Just at this moment what is the position in India? Excluding the British garrison and the mercenary troops from Nepal, what is the position? The Mussalman group in India provides a little over one half of the entire Indian Army. That has got to be borne in mind also with respect to another claim which I am going to make on behalf of my community. It is clear, therefore, that the political importance of the Mussalman community cannot be judged by its numbers.

We have next the smaller groups, which, although numerically smaller, yet in importance and in their weight in the affairs of India are very important groups—the European commercial representatives, the Anglo-Indians, the Indian Christians. These are the actually existing conditions in India which have got to be borne in mind when framing a constitution for India, for I take it that the basic principle of democratic government is that it should be truly representative of the people of the country. We Mussalmans realise that, as was said by His Royal Highness the Duke of Connaught in his speech in inaugurating the Montagu-Chelmsford Reforms ten years ago, "The days of autocracy are over; the age of democracy has come in"; and in consequence we, the Mussalman group, recognise that the constitution which the British Parliament has to frame for India must necessarily be based upon democratic principles.

Now, what is the basic principle of democratic government? The basic principle of democratic government is that the government of a country, both on the executive side and on the legislative side, must be truly representative of the people of that country. That is the real, that is the main basic principle. All this talk of nationalism and so on and so on, for certain purposes, to my mind, is beside the point. I repeat the basic principle of democratic government is that the government of the country, both on the executive and on the legislative side, must be truly representative of the people of that country. In other words, so far as India is concerned, the Government of India—the Government of the self-governing India of the future—for which we are called upon to frame a constitution, must be truly representative of the Hindu element, the Muslim element, the European element, the Anglo-Indian element, the depressed classes and the Sikhs, who are, as I claim, an offshoot of the Hindu community. It must be truly representative, and if you frame a constitution which does not satisfy this main requirement, believe me, your constitution will not work, and not only will it not work but it will create discontent amongst the minorities in India, because it will have brought into existence not a representative government but an oligarchy: And an oligarchy in India will result in this, that instead of giving India peace, instead of giving India contentment, instead of giving India prosperity, you will be giving India a state of things which will lead to disaster. I as a nationalist, I as a democrat, want the Government of India to be truly representative of the people of India. All we Mussalmans are born democrats, for democracy is of the quintessence of our religion. Look what has happened in Turkey. Turkey has gone back towards the earlier ages of Islam, when even the Caliph of Islam was elected, the religious head of Islam was

elected by the people. Democracy, as I say, is there in the marrow of our bones, and that is why we want the Government of India to be truly representative of the people of India.

Well, then, what are those demands in so far as our position in the self-governing India of the future is concerned? Let us first take the executive side. What we say is this. I am going to place our demands before you in plain, unvarnished language, and I am going to leave it to you to judge whether our demands are not in perfect consonance with democratic ideals, are not based on justice; and if you once agree that they are founded on democratic principles and are based on justice, then I demand, on behalf of the 71,000,000 of Indian Mussalmans, simply this, that in the highest rungs of the executive ladder, if I may use that expression—that is to say, in the Cabinets, the Central and Provincial—a provision should be made (I do not care whether it is in the Instrument of Instructions to the Governors or otherwise) we should secure the Mussalman community a place in the Central as well as in the Provincial Cabinets.

Coming down to the lower rungs of the executive ladder—that is, the Services—our demand is simply this. We say that recruitment to the Services should no longer be dependent upon the individual idiosyncracies or choice or selection of Ministers; there must be a Public Services Commission, both at the Centre as well as in the Provinces, and it should be an instruction to the Public Services Commission to see that in recruiting for the public services the fair claims of the various communities are borne in mind. Now, I put it to you, are these demands that I place before you on behalf of the Muslim community anything——

Dr. Moonje: I wish you had made them before; I would have replied to you.

Sir Muhammad Shafi: They have been made before and have been replied to before. Please do not interrupt me. I do not want to say things; you understand; but if you compel me, I must. To my knowledge they have been made.

Dr. Moonje: To your knowledge they have been replied to.

Sir Muhammad Shafi: You have brought into your speech to-day references to certain matters to which I did not want any reference made at this meeting. Unfortunately you have compelled me to make reference to them, and when dealing with your speech I shall deal with that point.

Are these demands that I have placed before you, so far as the Executive is concerned, anything else but such as are based upon democratic principles? I say, no doubt the Public Services Commission must bear the requirements of efficiency in mind. We Mussalmans freely admit that necessity. We say that the Public Services Commission should bear the requirements of efficiency in mind, but having satisfied themselves so far as efficiency is concerned, they should recruit for the Services so as to secure the representation of all the communities having a material stake in the country, for unless you do that, you create an oligarchy. That is our position so far as the Executive is concerned.

Coming now to the legislature, let me first take the Central Legislature. Our demand is this. We are excluding Burma, as we expect it to be separated.

Mr. Shiva Rao: No!

Sir Muhammad Shafi: A little over 25 per cent. of the population of British India are Mussalmans. What we ask is 33⅓ per cent. representation, so far as British India is concerned, in the Central Legislature; and our demand here again is based, not only on security for a minority, not only on that ground, but also on historical grounds. This is a demand which was put forward by the All-India Muhammadan deputation under the leadership of His Highness the Aga Khan which waited on the late Lord Minto at the Viceregal Lodge at Simla on 1st October, 1906. There the Muslim case was that the political importance of the Muslim community should not be judged by its numbers. As you are aware, Sir, we are all agreed that the defence of India should remain a reserved subject for some time to come. That will be one of the principal charges entrusted to the Central Government. On whose shoulders will the defence of India in the main fall, should India be in danger? I venture to submit that it will fall on the shoulders of the Mussalmans to a much greater degree than would follow from their proportion in the population of India. The justice of that claim was recognised by Lord Minto, and when the late Mr. John Morley, a democrat, an apostle of Liberalism, introduced the Bill embodying what were known as the Minto-Morley Reforms before the House of Commons, this is what he said in his speech. I will read only that portion which is relevant to two of the matters which have been discussed around this table. He said: "The Muhammadans demand three things. I had the pleasure of receiving a deputation from them, and I know very well what is in their minds. They demand the election of their own representatives to these Councils in all the stages, just as in Cyprus, where I think the Muhammadans vote by themselves. They have nine votes, and the non-Muhammadans have three, or the other way about. So in Bohemia, where the Germans vote alone and have their own register." This will show you, Sir, that the demand of Mussalmans for separate electorates was not unprecedented in the history of Europe, even at that time in 1910, or before. Therefore we are not without a precedent and a parallel for the idea of a separate register. "Secondly, they want a number of seats in excess of their numerical strength. These two demands we are quite ready and intend to yield in full."

We are asking for nothing more, nothing new in the new constitution which is to be framed for India in so far as the Central Government is concerned. I venture to submit that in all fairness we are entitled to this.

Coming down to the Provincial Legislative Councils, what we say is this. There are from the Muslim point of view majority Provinces and minority Provinces in India. In six out of eight Governors' Provinces—I will not say nine now; I will leave Burma out—the Mussalmans are in a minority. In two Provinces, Bengal and the Punjab, they are in a small majority. The difference between these majorities of Hindus in the one group and Mussalmans in the other group is this, that the Hindu majorities in the six Provinces are overwhelming. In spite of the weightage which the Mussalmans at present enjoy, the Hindus are still in an overwhelming majority, ranging between 70 per cent. and 85 per cent.; while in Bengal and in the Punjab in so far as the population is concerned, our majority is only 55½ per cent. in the Punjab and 54½ per cent. in Bengal.

Here I must deal with a point which has been urged very often in speeches. It has been assumed in those speeches that the weightage which the Mussalmans enjoy in these six Governors' Provinces, where they are in a minority, is the result of what is known as the Congress-League Pact, the Lucknow Pact. That is an entire misconception of the whole situation. From the passage which I have read out to you just now, from the speech delivered by Mr. Morley, you will see that the weightage which was given to the Mussalmans in these minority Provinces was given at the time of the Minto-Morley Reforms in 1909-1910, and it is as a result of the decision arrived at by the British Parliament then that we got that weightage, arrived at on other grounds, grounds which were mentioned in the representation made to Lord Minto and the reality of which both Lord Minto and Mr. John Morley fully recognised. This weightage is in no way the result of the Congress-League Pact. What did happen in the Congress-League Pact was this, that

while the Minto-Morley Reforms gave the Mussalmans in the minority Provinces separate electorates, those Reforms did not give separate electorates to the Mussalmans of Bengal and the Punjab. The Mussalmans of Bengal and the Punjab from that moment were protesting against the withholding of this privilege from them in these two Provinces. They had raised considerable agitation, and that agitation was resulting in certain difficulties, both for the Government and for the Congress. Well, the Muslim League and the Congress met at Lucknow. I do not wish to go into the details of how that decision was brought about. Separate electorates were extended to Bengal and the Punjab as a result of that Pact, but neither in the Punjab nor in Bengal was the Muslim majority granted its majority rights. I dare say those Mussalmans who were party to that Pact in spite of the protest made there and then by the late Nawab Sayed Namali Ali Chowdhuri, who was present at the meeting on behalf of the Mussalmans of Bengal, and excepting the Mussalman gentlemen who were parties to this Pact, there was no Mussalman representative from the Punjab present—in spite of that the Mussalmans who were present agreed to it, I have no doubt, because the right of separate electorate was being extended to the Punjab and Bengal, and there was no question of responsibility or provincial autonomy before India at that time, and also the retention of the official bloc in the Legislative Council was contemplated. Therefore, while acquiring the right of separate electorates, and while the official bloc was there, and there was no question of responsibility or provincial autonomy, those present agreed. But let me tell you this, that the Mussalmans of Bengal and the Punjab protested against that Pact, and have continued to protest right up to now. So that this argument based on the Lucknow Pact really has no force of any kind whatever. Putting it aside—— I have finished the argument on the Lucknow Pact, and perhaps we had better stop here now.

(*The sub-Committee adjourned at* 1.5 *p.m.*)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. III. (MINORITIES) HELD JANUARY 1ST, 1931, AT 10.30 A.M. AND 10 P.M.

Sir Muhammad Shafi: Mr. Prime Minister, before proceeding from where I left off yesterday there is one inadvertent omission in a previous portion of my statement to which, with your permission, I propose to refer. The sub-Committee will remember I stated on behalf of my community that they desire a provision to be made, whether in the Instrument of Instructions to the Governor-General and the various Governors or otherwise, for the inclusion of a Mussalman representative in the central Cabinet and in the Provincial Cabinets of the six Governors' Provinces in which the Mussalmans constitute a minority of the population. I forgot to add that my community fully recognise that, in justice to our Hindu brethren, a similar provision should be embodied in the Instrument of Instructions or otherwise in regard to those Provinces—Sind, the North-West Frontier Province and Bengal—in which the Hindus constitute a minority of the population, and there should also be a provision for the inclusion in the Punjab Cabinet of a Hindu and a Sikh, so that the whole picture may be complete.

Now, proceeding from where I left off yesterday, I was emphasising the fact that the weightage which the Mussalman community have enjoyed for the last twenty years in the six Governors' Provinces in which they constitute a minority was the result of the recognition by Lord Minto and Mr. John Morley of the political importance of the community, and was also based on the principle of security being given to the minorities. I should like to mention in this connection that my community entirely agree that similar weightage should be given to our Hindu brethren in the Province of Sind and the North-West Frontier Province, where the position of the Hindus is analogous to the position of the Mussalmans in the six Provinces. In so far as the Punjab and Bengal—the two major Provinces—are concerned, the so-called majority of the Muslim community is nominal only, and the minorities in these two Provinces do not stand in any need of protection. In consequence, the Mussalmans insist that in these two Provinces they should be given their proportional representation.

The Mussalmans take their stand on this: Just as our Hindu brethren are entitled to their rights of majority in the six Governors' Provinces in which the Mussalmans constitute a minority of the population, similarly the Mussalmans are also entitled to their rights of majority in the four Provinces in which they constitute a majority of the population.

There is one further reason to which I wish to refer in this connection. To my mind the Federal India of the future with the Central Government in the hands of the majority community, and the Provincial Governments in six out of the eight Governors' Provinces in the hands of the same community, the four Provinces in which the majority community will be in a minority and the minority community will be in a majority will in itself constitute a guarantee of good treatment by both the communities. To me this one picture as regards the future is the most fascinating and the most attractive, for to my mind this is the real solution, the permanent solution, of the Hindu-Muhammadan problem in India.

That this was the view which prevailed even in Hindu Mahasabha circles before the end of 1925 admits of no doubt. Until then certain other influences, which began to prevail afterwards, had not come into operation. At the anniversary of the All-India Hindu Mahasabha held at Cawnpore during Christmas, 1925, Mr. N. C. Kelkar, in his Presidential address, visualized the future of India in these words: " In the Frontier Provinces "—that is, the North-West Frontier Province and Baluchistan— " the Punjab, Bengal and Sind "—you will notice he names Sind separately as a Province—" the Muhammadans would be in a position of advantage. On the other hand, the Hindus would be in a position of advantage in the other Provinces. Does this not give a kind of automatic guarantee against the ill-treatment of any one community by another in any Province, assuming that the Hindu and Muhammadan communities are both animated by fellow feelings for their co-religionists? " These are not my words; they are the words of Mr. N. C. Kelkar as President of the All-India Hindu Mahasabha at the anniversary of that organisation celebrated in Cawnpore in 1925. It is clear, therefore, that at any rate until 1925 opinion was unanimous in India among the two great communities of that country, the Hindus and the Mussalmans, that the future of India should be built up along these lines.

In the majority of the Provinces our Hindu brethren have the position of advantage, as Mr. N. C. Kelkar describes it. In only a minority of the Provinces—four—have the Mussalmans a similar position of advantage, with the result that there will be an automatic guarantee of good treatment to both the communities. That will be the permanent solution of the Hindu-Muhammadan problem in India.

And now, before I proceed further, I want if I may to ask the sub-Committee to note the effect of my statement up to this stage. With regard to the position of the Mussalman community, the effect is this. All matters of common interest to the whole of India, including even defence, will, if the conditions to which I have referred come into existence,

entirely in the hands of our brethren the Hindu community, a community which will have a permanent and unalterable majority in the Central Government. We Mussalmans recognise that, as the constitutional evolution in India must be on democratic lines, this position is inevitable, and we gladly accept it.

The next result will be that in six out of the eight Governors' Provinces a similar condition will prevail, and similarly we Mussalmans recognise that that position must be accepted. We do not ask for any *quid pro quo* for this acceptance of the position by the Indian Mussalmans; all we ask is that the majority community should be just enough—aye, generous enough—to recognise the similar right of the Mussalmans in the four Provinces which I have already named. We do not say that if the Hindu majority in the Central Legislature and in the Legislatures of these Provinces comes into existence it will mean Hindu rule and that we Mussalmans cannot tolerate it, and that there will be civil war in these Provinces. We do not say that; democrats as we are by instinct and by tradition, we accept willingly, for the good of India, for the good of our common Motherland, the position which will arise as a result of these conditions.

May I with your permission, Sir, here refer in particular to my Province of the Punjab and deal with certain observations made by my friend Sardar Sampuran Singh during the course of his speech the other day? I confess I was pained as well as astonished at the language used at this table by the responsible representative of our sister community, the Sikhs. I for one had hoped that the followers of that great saint Baba Guru Nanak, who, when he died, was claimed by the Mussalmans as a Mussalman, and therefore the Mussalman community who wanted to bury him, and by the Hindus as a Hindu, so that the Hindu community wanted to burn his body—I had hoped that the followers of that great saint would, round this table, be the uniting factor between the Muslim and the Hindu communities of the Punjab. It is sad to think that that expectation should have been disappointed.

What did my friend say? You will remember that he gave the sub-Committee certain figures. On the Sikh side the figures could not in any way be made the basis of any complaint by him or by his community; in fact, on the Sikh side the figures mentioned by him, even if they be assumed to be correct, show that Sikh representation under the proposals of the Government of India will be if anything slightly larger than the representation which they at present enjoy.

Sardar Ujjal Singh: Two per cent. more.

Sir Muhammad Shafi: Kindly look at the figures your colleague gave; I am not referring to anything else. They show that the position of my brethren the Sikhs will be if anything slightly better than the position which they have hitherto enjoyed.

Raja Narendra Nath: No; your percentages are wrong. I do not think you have understood the matter.

Sir Muhammad Shafi: I am only taking the figures given by Sardar Sampuran Singh. He said that at present the Sikhs enjoy 18.5 per cent. of the representation, and that under the Government of India scheme they will enjoy 18.6 per cent.

Raja Narendra Nath: 17.6 per cent.

Mr. Zafrullah Khan: He certainly said 18.6 per cent.

Sir Muhammad Shafi: He said 18.6 per cent.

Chairman: I do not want to have interruptions, but if anything is going to be based on this we had better get the position clear.

Sardar Sampuran Singh: Perhaps you are confusing two kinds of percentages which I gave—without the Christians and Europeans, and with them. When you are comparing one set of figures you should compare it with the same kind of figures in the Despatch of the Government of India. When I said that the percentage in the present Council without the Europeans and Christians—

Sir Muhammad Shafi: I venture to submit that this is argument, and not correcting any mistake. My friend wants to argue the whole case over again, apparently.

Sardar Sampuran Singh: No, I am not arguing.

Sir Muhammad Shafi: All I said was that on the Sikh side, according to the figures given by Sardar Sampuran Singh, the position if anything would be slightly better than it has been hitherto. That is all I say. It has nothing to do with comparing that with Muhammadans or with Europeans or with whether the official bloc is there or not; that is entering into argument. His main ground of complaint—and this is the real point of my argument—was that under the Government of India plan there is a possibility of the Mussalman community, which undoubtedly constitutes a majority of the population in the Punjab, having a majority, as against the Hindus and Sikhs combined. That was his main ground of complaint, and it was on that account he suggested there might be civil war in the Province.

Now, Sir, if the Mussalman community had adopted a similar attitude towards constitutional reforms, and if the Mussalman community had said that all over India in the Central Government, in all the other minority Provinces, the Hindus will be in the majority, and we cannot tolerate this, and there will be civil war, well, what would have been the fate of constitutional reforms in India? Surely, surely that is not the attitude that any community in India should adopt provided they are sincere well-wishers of India's constitutional evolution towards full self-government! Either we are patriotic Indians, desirous of our country's advance towards full self-government, desirous of seeing our countrymen rising to that stature to which other people have risen in their own countries, or we are communalists pure and simple. If we are the former, then surely this is not the attitude which we should adopt in relation to the questions which are before this Committee. My friend further observed that his community had no doubt given some trouble to Government in the past, on account of their dissatisfaction with the Montagu-Chelmsford Reforms. Now, I wish that my friend Sardar Sampuran Singh had not made that statement at this table, a statement which is historically incorrect. Fortunately the Viceroy who was at the head of the Government in India at that time is present here at this table. Well, the Sikh community appeared before Lord Chelmsford and Mr. Edwin Montagu through a deputation, and they asked for separate electorates and they asked for representation on the Punjab Council in excess of their proportion.

Sardar Ujjal Singh: They asked for 33 per cent.—one-third.

Sir Muhammad Shafi: Excuse me, Sardar Ujjal Singh; I am not saying what you asked from the Simon Commission, I am referring to the representations made to Mr. Montagu and Lord Chelmsford.

Sardar Ujjal Singh: I am referring to that, too.

Sir Muhammad Shafi: Well, both those demands of the Sikh community were granted. They received roughly 18 per cent. representation instead of 11 per cent. and also separate electorates. When the Montagu-Chelmsford Reforms were introduced, only one section of the Indian communities, and that was the Congress section, decided to boycott the reformed Council. That is an absolutely undeniable fact—only the Congress section. Those Sikhs in the Punjab who belonged to the Congress section of course obeyed the mandate of the Congress, but the majority of the Sikh community actually sent their representatives to the Provincial Council. The whole of the Province was divided into so many Sikh constituencies. In every constituency Sikh candidates

stood for election. Every Sikh seat in the Punjab Legislative Council was filled, and what is more, during the whole of this period of ten years, a Sikh representative continued to be either a member of the Executive Council or a Minister in the Punjab Government. But shortly after the Montagu-Chelmsford Council came into existence—or rather, I should have said just about that time—my Sikh brethren were carrying on an agitation in connection with the Gurdwara Reforms. My sympathies were entirely with them in so far as that agitation was concerned—that is to say, what they wanted was that the Gurdwaras, their sacred shrines, should be in the hands of the community, that nominees of the community should manage the endowments connected with those Gurdwaras, and not men who were playing ducks and drakes with those endowments. The Punjab Government introduced a Gurdwara Bill into the Punjab Legislature which was not acceptable to the Sikh community, and was opposed by the Sikh representatives of the community in the Punjab Council; but in spite of their opposition the Punjab Government, on the strength of the majority votes at their command, carried this Bill through. That was the original cause of the Sikh trouble and the Guru Ka Bagh affair gave them the excuse or the cause for the action which they subsequently took. The Guru Ka Bagh affair ran over a long number of months, and the Sikhs showed that they could be non-violent non-co-operators. That was the first cause of trouble. Then the trouble extended to Jaito in the Nabha territory. It continued for some time, and then at Bhaipheru in the Lahore district. That was another sacred shrine. The Sikh trouble started and continued for some time. This was the trouble which the Sikhs gave to the Punjab Government, on account not of dissatisfaction with the Montagu-Chelmsford Reforms, but on account of the Gurdwara Reform Act. Then ultimately the Punjab Government introduced a fresh measure whereby the old Gurdwara Act was repealed and a new Gurdwara Act, in consonance with the wishes of the Sikh community, was carried through the Punjab Legislative Council. Under this new legislation the Sikh community obtained complete control of their shrines. The Prabhandak Committee, or whatever was the name of the Central Committee, was constituted under the Act, and under that Act the entire Sikh community enjoys adult suffrage in the matter of the election of their representatives to the Central Committee—that is to say, both men and women of 18 years and above—yet I am surprised to hear that my Sikh brethren, with all their democratic ideals, in the Franchise Committee have opposed the extension of the franchise and have recorded their note of dissent from the proposals voted by a majority of that Committee. I am surprised to hear that. Well, this is the history of the Sikh trouble.

Sardar Ujjal Singh: It is entirely wrong to say that we oppose the extension of the franchise.

Sir Muhammad Shafi: I said the proposals of that Committee; I did not say you have opposed the extension of the franchise.

Chairman: I hope members will really remember that this is a Committee dealing with the minority problem, and because we are in a committee and not in a general session of the Conference, we must strictly confine ourselves to the Committee's terms of reference.

Sir Muhammad Shafi: Sir, it is true that my community has not, given any trouble to the Government, nor do I make such trouble the basis of a claim for special concession at the expense of other communities. True, all I can point to is the blood of the manhood of my community shed on the battlefields of three continents in defence of the British Commonwealth of Nations, and along the frontiers of India in defence of our common Motherland, sometimes even against our own co-religionists; but I do not want to refer to all this as a basis for any claim for special concessions. No; all I want is that justice shall be done to my community in the great changes that are going to be introduced in India. I claim nothing but justice; and let it not be said by the future historian that the British Government paid attention to threats and to references to past troubles, but paid no attention whatever to steadfast loyalty and devotion to the British Empire and the British Commonwealth of Nations. That is all I have to say with regard to that.

I now come, Sir, to the question of joint and separate electorates. My friend Sir Phiroze Sethna referred us to his own experiences, the experiences of his own community in Bombay, and asked us, as a result of those experiences, to accept joint electorates. He further cited some observations made by two eminent statesmen in England. Well, Sir, I am not surprised that my friend, Sir Phiroze Sethna should be an advocate of joint electorates, for I can well understand a representative of the Parsee community, who are confined mainly to Bombay and are numerically 80,000, preferring joint electorates to separate electorates, for if separate electorates were thrust upon them the result would be that perhaps one, perhaps not even one member, perhaps decimal something of a member, would be their representation in the Central Legislature. Moreover, the case of a rich, wealthy, influential community, a small community concentrated in one city in that vast sub-continent of India securing a measure of representation from that city which may be more than the representation to which they would be entitled on a proportional basis is no argument, no argument whatever, on which to base this theory in favour of joint electorates, as my friend has done. I challenge my friend Sir Phiroze Sethna to come to Allahabad, to come to Lahore, to come to Calcutta and stand there as a candidate in any joint electorate. Then, in spite of his great position in the political world of India, I will see if he will get elected through any one of those constituencies.

Sir Phiroze Sethna: Has not a Parsee been elected by a joint electorate in Burma, although the Parsee population is not more than 200 or 300?

Sir Muhammad Shafi: I think the less we talk about Burma after its separation from India the better. We know very well what is the position in Burma. The mercantile community in the capital of Burma which is very rich and very powerful, and I have no doubt that any member of that mercantile community can influence the vote of a joint electorate in Rangoon. Sir Phiroze Sethna, I hope, will remember that I, too, know something about India. After all, I have not entered political life only to-day, and I hope my friend will remember that I have inner knowledge as well as other knowledge of the position as it exists in India, and instead of interrupting me and thereby prolonging my statement, I hope he will quietly listen to what I have to say.

Sir Phiroze Sethna: What about Parsees in the Central Provinces?

Sir Muhammad Shafi: As to the observations of those two eminent British statesmen to which my friend made reference, let me point out that so far as I am aware, those two eminent statesmen had no actual experience or knowledge of the conditions as they exist in India. On the contrary, as far back as the year 1888 Lord Dufferin, when he was Viceroy of India, in connection with this very question of representation in the Legislative Councils emphasised the necessity that in India representation will have to be not in the way representation is secured in England, but representation by interests. I will read a passage out of the Despatch sent by Lord Lansdowne. In 1892 Lord Lansdowne's Government wrote: "The representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have the opportunity of making its views known in Council by the mouth of some member specially acquainted with them." That

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was the opinion expressed by Lord Lansdowne's Government in 1892 and we know that at the next revision of the constitution in India in 1909 both Lord Minto and Mr. John Morley recognised that principle; and when subsequently Lord Chelmsford and Mr. Edwin Montagu prepared their scheme of reforms, although their own predilection was in favour of joint electorates, upon a review of all the circumstances of the case and of the history of separate electorates in India, they, in their Joint Report, stated in clear and unequivocal language that pledges having been given by Viceroys and Secretaries of State to the Indian Mussalmans that their separate electorates would not be taken away from them without their own consent, they accepted the principle of separate electorates for the Mussalmans. And in this connection let me mention one more fact: so has the Simon Commission and so have the Government of India in their Despatch.

There is one important fact in this connection of which I wish to remind the Committee. To my mind, in the existing conditions in India, joint electorates, instead of helping the cause of nationalism, will be detrimental to that cause, for they will provide periodically recurring cause of friction between the two communities. Separate electorates will result in this: A candidate for a depressed class constituency will contest the seat against a brother member of the depressed class constituency; a Mussalman will contest the seat against a member of his own community; a Hindu will contest the seat against a member of his own community; a Sikh will contest a seat against a member of his own community; there is no intercommunal friction; and, as these elections are themselves periodical, separate electorates do not give rise to periodically recurring causes of friction. That this is so was frankly admitted by Mr. Chintamani when he gave his evidence before the Constitutional Enquiry Committee, otherwise known as the Muddiman Committee. He admitted that the introduction of separate electorates in the United Provinces had given rise to satisfaction among the Mussalmans, and had thereby promoted good feeling between Hindus and Mussalmans in that Province: so much so that when he was Minister in that Province he agreed to extend this system of electorates also to municipalities and district boards.

The position is this: consistently from 1888 onwards statesmen of the position of Lord Dufferin and Lord Lansdowne, Governments of India one after another, the Royal Commission recently appointed as well as the present Government of India, have stated that in the conditions as they obtain in India Mussalmans must have their separate electorates. Pledges have been given by Viceroys and Secretaries of State that separate electorates will not be taken away from them without their own consent. Therefore the Mussalman community take their stand on those pledges; they take their stand on nationalism, and they say that mixed electorates will be detrimental to the cause of nationalism in the existing conditions of the country; therefore we cannot accept them.

The time may come, and no one will welcome that time more than I, when the communities will have learnt to respect each others' right, when they will be prepared to allow to each the position which is legitimately theirs by reason of the stake they hold in the country, and when these unhappy communal troubles will have disappeared. The time may come when these separate electorates will give way to joint electorates. No one will welcome that time more than myself. For the present the only way to secure representative government in India, to give their rights and full position to the European commercial interests, to the Anglo-Indian interests—the Anglo-Indians who too have served the Empire in a manner which is worthy of recognition—to the depressed classes, to the Mussalman community, to my Hindu brethren, to my Sikh brethren—the only way to secure that they shall take their rightful position in the India of to-day in the constitution which is going to be framed for India is that they should have the right to elect their own representatives in separate electorates.

Well, Sir, I have done. There are only a few observations made by my friend Dr. Moonje which finally require some comment from me. He referred to the principles laid down by the League of Nations in regard to the treatment of minority problems in Europe. It is hardly necessary for me to enter into a discussion of those principles. Those principles may be compatible with the conditions which exist in these European countries, but they cannot be regarded as being exhaustive; they cannot be regarded as covering every state of conditions obtaining in all countries of the world. There may be other countries in which the conditions actually obtaining are either entirely different from the conditions obtaining in these European countries. or the circle of those complicated conditions is much wider in those other countries than it is in the countries with which the League of Nations had to deal. Therefore it is useless to refer to whatever may be the principles laid down by the League of Nations in regard to certain European countries. My friend was prepared to give us guarantees with regard to our religion, our culture, our language and matters of that kind. I am very grateful to him for that generous concession. But he said that in so far as administration is concerned there is no need for any such guarantees at all; he had never heard any complaint anywhere in regard to any injustice.

Dr. Moonje: I do not think you represent it rightly.

Chairman: Well, leave it.

Sir Muhammad Shafi: Well, I took it down: "I have never heard any complaints of any injustice by the majority." That is how I took it down. My friend may have forgotten. The recollection of several of my colleagues is the same as mine.

Dr. Moonje: Get a copy of my speech and read it.

Sir Muhammad Shafi: Well, never mind. Now as regards administration. I should have thought, Sir, that if there was any branch of government which was concerned more than any other branch with the happiness and contentment of the people, it was administration; and in a country like India, where there are so many communities, communities following different religions, observing different social codes, different cultures and so on, a fair representation of all those communities in the administration is necessary for the contentment and happiness of the people. Therefore there is nothing surprising in this, that not only we the Mussalmans, but also representatives of other communities, should demand that their communities should be fairly represented in the services. And, after all, what have we asked? We have asked that recruitment to the Services should not be dependent on the idiosyncracies of ministers, but that it should be made through a duly constituted Public Services Commission.

Dr. Moonje: Quite right.

Sir Muhammad Shafi: And that this Public Services Commission should have instructions to see that, while all the requirements of efficiency are satisfied, the various communities are fairly represented in the Services.

Dr. Moonje was pleased to make a pointed reference to the speech which is said to have been made by Sir Muhammad Iqbal when presiding over the anniversary of the Muslim League at Allahabad three or four days ago. I wish Dr. Moonje had not made this reference, and compelled me thereby to do that which I had no intention whatever of doing. I can assure the Committee, when I came here yesterday morning. Now in the first place, unless the full text of that speech is before me, I cannot pass any judgment on that speech. We know what these telegraphic summaries are. Sentences are divorced from the context. Telegraphic summaries, in a responsible body like this,

ought not to be made the basis of criticism or of judgment upon a speech. If Sir Muhammad Iqbal said that when there will be a Hindu State in the whole of India by reason of the Hindu being in a permanent and unalterable majority in the Central Government, when there will be six Hindu States out of the eight Governors' Provinces, by reason of a similar unalterable permanent majority in those six Provinces, there ought to be four Mussalman States, because the Mussalmans in those four Provinces are in a majority, I see nothing wrong in that. I myself am prepared to repeat that here before this Committee, for, after all, we are contemplating the bringing into existence of the United States of India. Everybody has been speaking of the United States of India before the Constitutional Federal Committee. Each Provincial unit will be a State. There is nothing in that. No pointed reference need have been made, if that is what he said.

But if he said anything in connection with the foundation of an independent Muslim State outside the British Commonwealth of Nations, in the ordinary sense in which such a phrase is used, then I, on behalf of the whole Mussalman Delegation, repudiate that; I absolutely repudiate that on behalf of the whole Delegation. But, Mr. Prime Minister, I can well imagine a Muhammadan exasperated by pronouncements of the type that my friend Dr. Moonje has been making in different parts of India, possibly in a moment of thoughtlessness saying something similar.

Presiding over the anniversary of the Bara Bazar Hindu Mahasabha in Calcutta on the 25th July, 1926, my friend Dr. Moonje traced the history and loss to Hinduism during the last 900 years, quoting Afghanistan, Kashmir and Malabar as instances in point, and also mentioning that Hinduism has lost 70 million of her men to another religion—obviously to Islam. After having done so, Dr. Moonje proclaimed the object of the new Hindu movement in the following words: "The object of the Hindu movement would be to keep together all Hindus and to extend the Hindu religion so that India might be called Hindustan, the land of the Hindus." In the same speech he declared that "it seemed to him that the Hindus were living under two dominations: the political domination of the English based on its trading and machine guns, and the domination of the Muhammadans based on their aggressive mentality." Having said so, he observed: "the mild and docile Hindu is thus the prey to domination of two kinds, and he has to see whether, while putting up with machine-gun domination as an inevitable evil, he was also to put up with the other domination." If I may say so, possibly it was as a result of this speech that Dr. Moonje was elected President of the following anniversary of the All-India Mahasabha. As President at the following anniversary, this is what he said at Patna on the 16th April, 1927, speaking of Hindu-Muslim unity: "This unity is to my mind a volatile commodity, appearing very well and worth having till the price is paid, when it assumes the form of incompatibility and intractability." What he meant by that I do not know. Having stated that he had never been a believer in concessions in bringing about Hindu-Muslim unity, he advised his co-religionists that "they should leave the Mussulman severely alone in their present mentality, leave them to speak and act as they please." And this is what he has done recently here in London. That is the reason why no Hindu-Muslim settlement could be arrived at during the prolonged negotiations that have taken place. I wish Dr. Moonje had not referred to the speech of Dr. Sir Muhammad Iqbal and compelled me to refer to his own speeches in this way; I wish he had not done so; I wish with all my heart he had not done so, for I had no intention whatever of referring to any speeches by any individuals.

In conclusion, I wish to make one more appeal to my Hindu brethren. I say to my Hindu brethren: "You, as the majority community and as children of the same common Motherland, are in the position of an elder brother. I, as a representative of the minority to which I belong, am also a child of the same common Motherland, and am in the position of a younger brother. Be an elder brother and treat me like a younger brother, and you will find that your younger brother will be a source of the greatest possible strength to this new joint family that will come into existence."

You, my Hindu brethren, want full self-government for your country; you want your country to be an equal partner in the great British Commonwealth of Nations. Remember that in the world conditions which have now come into existence no country, however rich or however powerful, can stand alone. It is for that reason that the tendency of modern international movements is towards the association of nations and countries for purposes of security, mutal help and co-ordination of effort. For us, the people of India, such association is already there in the British Commonwealth of Nations. I have all my life been convinced that the future of India lies within that Commonwealth.

If you want full self-government in your country, if you want your country to be an equal partner in the British Commonwealth of Nations, you, the majority community, who will have the control of all mattters of common concern at the Centre in your hands, who will have control of the Provincial Governments in the major portion of India, you can afford to be generous to us, the Muhammadans. And we do not want you to be generous; we only want you to be just and to recognise our legitimate rights and claims in the self-governing India of the future.

Believe me, without this Hindu-Muhammadan unity all your dreams of self-government are in vain. With Hindu-Muhammadan unity you can confront the representatives of the British parties and say, "Here is the united demand of India", and then I am perfectly certain they will see that India is now united and is in a position to conduct the affairs of self-government as an equal member of the British Commonwealth of Nations, and they will be more than ready to meet you half way. But if you do not recognise the legitimate claims of the Mussalmans, and if you therefore alienate the feelings and the sympathies of this great and powerful community, all your dreams of full responsible government will be in vain; for then to whom is the British Parliament to transfer responsibility? To you? The Muhammadans will object. To the Muhammadans? You will object! Therefore the transfer of responsibility, whether at the Centre or in the Provinces, will become impossible unless Hindus and Mussalmans can be united, unless they are both satisfied that in the condition of things which is coming into existence the rights of both will be secure.

To the representatives of His Majesty's Government as well as to the representatives of the other two political parties here in England, I say this. Sir, any pronouncements made by you with regard to the general principles of constitutional evolution in India, without a simultaneous declaration with regard to the safeguards which are essential to protect the minorities, will not be acceptable to the Mussalman community in India. Let me make this plain. Rumours are going about, and it is because of those rumours that I want to make this plain. Any declaration of policy made by His Majesty's Government or by the representatives of the three great British parties with regard to constitutional evolution, must include a declaration with regard to safeguarding the interests of the minorities and of the Muslim community. Otherwise it will not be acceptable.

Dr. Shafa'at Ahmad Khan: That is it.

Sir M. Shafi: I have done. I am afraid I have taken a good deal of the time of the sub-Committee, but so vital are the issues involved, so important the questions on which I was called on to make a statement on behalf of my community, that I could

not do it without occupying a considerable portion of your time. I have in fact abridged my statement and I have tried to put it before you succinctly and in as short a compass as possible. I hope and pray that the Minorities sub-Committee may conclude its deliberations by bringing about an amicable settlement and an understanding between the various groups which are represented upon it, and that in the end it may be in a position to report to the plenary Conference that the minority question in India has been solved to the satisfaction of all the groups; and I do hope that that prayer of mine will not go unheeded.

Chairman: What Sir Muhammad Shafi said towards the conclusion of his speech was perfectly justified, namely, that he was in charge of a very important case which required time and patience, and we gave it him in the most unstinted way. We are very much obliged to him for the way he has put the case of his community before us. It is quite obvious that subsequent speakers, however, will have to confine themselves a little more, or otherwise we shall never finish our work at all.

I should like to say this. If any subsequent speaker is thinking of basing any observations upon what Sir Muhammad Shafi quite properly called rumour, I hope he will not take the trouble to do so. Rumours are jades who are always flying about the streets for mischievous purposes, and the rumour which I see in the Press to-day, and which was in the Press yesterday afternoon, is nothing but an invention by people who desire that this Conference shall not succeed. There is no basis for such a rumour, but I cannot charge myself with contradicting every piece of tittle-tattle that happens to gain currency.

My friends, we have been co-operating now together for a few weeks, and I do hope you have learned enough of us to be able to assume that absurd rumours are not likely to represent the position either of my colleagues who represent the other parties in the House of Commons and the House of Lords or of His Majesty's Government itself. I would beg of you always to make that assumption when you hear those stories.

I should like us now to see if we cannot advance the cause of co-operation a little. We have had statements on behalf of the two communities, and if some of you have something to contribute towards bringing them together I should like you to address yourselves to that. There are still one or two communities and interests which have not been heard, and I propose that we should hear them also.

Raja Narendra Nath: I want to say something on a very important matter. I mentioned yesterday that I wanted to speak.

Sardar Ujjal Singh: I also want to speak.

Chairman: I am not going to allow the debate to develop on lines which are not going to be profitable for unity, because we already know what divides us; we have heard all about that. I will call on Raja Narendra Nath and see how the debate develops.

Sir Muhammad Shafi: Mr. Prime Minister, if Raja Narendra Nath is to be allowed to take part in the debate—because it will degenerate into a debate—then, as statements have already been made by the head of his organisation and on this side by a humble representative of the Muslim community, if a further debate is allowed on these statements I must reserve to myself the right of asking one of my colleagues to reply to Raja Narendra Nath.

Raja Narendra Nath: Yes.

Chairman: That is what I have in mind, and I do not think it will help you or His Majesty's Government or the other sections who are co-operating with us at this Conference. I do not want to suppress anything that is essential to a presentation of the facts, and I shall certainly suppress nothing that is going to be helpful for a solution, but I am sure you will support me—all of you, all sections of you—in preventing this exchange of views developing on lines which are going to separate you rather than unite you. With your authority, I will exercise my power as Chairman to guide the debate on those lines.

Raja Narendra Nath: I want to bring out certain points which may be in common with what Sir Muhammad Shafi has said, and I will confine myself to a very narrow issue; but I will wait, if you wish, until Dr. Ambedkar has spoke... I hope I shall not be denied the right of saying what I want to say, for I wish to speak on behalf of the Hindu minority. Dr. Moonje took a general view, but I want to speak on a narrower view.

I shall not take up your time for long; I shall make a very brief speech, because I am going to confine myself to an issue which is very much narrower than the issue raised by Sir Muhammad Shafi. I have listened very carefully to the speeches that have been made, and I am in full agreement with what has been said by Sir P. Sethna and Dr. Moonje against separate electorates. Reference has been made to certain literature connected with the League of Nations, but it is unnecessary to go so far. I find the point covered by the Montagu-Chelmsford Report, in which separate electorates were recommended with reluctance. I find there a sufficient condemnation of them. They are "opposed", it is said, "to teachings of history"; they "perpetuate class division and stereotype existing relations". I invite your attention for my purposes in particular to the last sentence in para. 231, which says: "But we can see no reason to set up communal representation for Muhammadans in any Province where they form a majority of the voters".

I have, however, a grievance against Sir P. Sethna. When he was enumerating the minorities, he did not mention the Hindu minority at all. I represent a minority which numbers in the Punjab between six and seven millions. My point of view, so far as the minority question is concerned, is the same as that of the Hindu minority of Bengal, and if you add the number of the Hindu population in Bengal the minority I represent comes to about 27 millions, or more than one-third the size of the Muslim minority.

Sir Muhammad Shafi has in his speech twice referred to the services of his community in the Army. I do not think that that reference was necessary; however, I am glad to say that the part borne by the Hindus in the defence of the Empire is also substantial. I need not quote figures; it is unnecessary to go into them; but if for certain reasons recruitment had not been confined to certain classes, that part would have been larger.

I now lay two propositions before the sub-Committee. "Separate electorates were a minority right and were devised for the protection of minorities; they were not intended to be used as an instrument for the assertion of communal ascendancy by a majority community." That is one proposition. The second proposition is that "separate electorates have proved futile as a protective measure, and in the future *régime* they will be positively harmful for minorities".

All that has been said with regard to the interests of minorities by Sir Muhammad Shafi has my full agreement, but we differ in the view that he takes with regard to separate electorates. I think it is necessary to give to the members of this sub-Committee a short description of the history of separate electorates. In May last I put a question in my Provincial Council as to the time when separate electorates were first introduced into local bodies in the Punjab, and whether they were introduced as a result of any representation by an organised Muslim association. The answer given was that they were introduced in 1891, but not as a result of any Muslim representation by any organised association. In 1888 the idea occurred to the then Viceroy, three years after the National Congress was started, and then it probably filtered down to local officers. My inference from the answer given is that the idea

was not put forward by any organised association, but was suggested by the local officers themselves.

From 1891, when they were first introduced in the Punjab, to the time when the announcement was made by Lord Minto with regard to the introduction of separate electorates in the Provincial Councils, no history is available; I have not been able to trace this history. But I invite the attention of the sub-Committee to the answer given by Lord Minto, which is reproduced on page 184 Vol. I. of the Report of the Simon Commission. I quote only two sentences with which I am concerned. Lord Minto said: "You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his community whom he would in no way represent".

Now, Sir, the first point is covered by reservations. If Muhammadan seats were reserved there would be no risk that no Muhammadan would be returned. The second point does not apply to a tract in which the Muhammadans are in a majority. The Minto-Morley scheme was introduced in 1909, and the Reforms introduced by Lord Minto and Lord Morley remained in operation for about twelve years, from 1909 to 1920. During the whole of that period separate electorates were not introduced in the Punjab nor in Bengal, and that fact is admitted by my friend Sir Muhammad Shafi.

Now, when electoral schemes were sent up by the local governments of the two Provinces to Lord Minto—and in those days when centralisation of administration was in full force they must have been sent to Lord Morley also—why were they not returned to the local governments as involving a breach of a promise just made? They were not returned. I can see no other reason; I can draw no other inference than this, that the separate electorates promised by Lord Minto and Lord Morley were not intended for Provinces in which the Muslims were not in a minority. Then came the Lucknow Pact of 1916, and, as was admitted by Sir Muhammad Shafi, separate electorates were, in consequence of that Pact, introduced in the Punjab and also in Bengal. Well, of course, that Pact could not be ignored when the proposals——

Sir Muhammad Shafi: I did not admit anything of the kind.

Raja Narendra Nath: You did say so.

Sir Muhammad Shafi: "In consequence of that Pact"—I never said that.

Raja Narendra Nath: You may not have said "In consequence," but the Pact did introduce separate electorates which were not in existence before. That fact is admitted. Separate electorates were not introduced in the Punjab before, and separate electorates were not introduced into Bengal before, as Sir Muhammad Shafi said.

Mr. Ghuznavi: They were.

Raja Narendra Nath: Sir Muhammad Shafi said yesterday that they were not introduced.

Sir Muhammad Shafi: I did not say so.

Raja Narendra Nath: That is how I understood it. At any rate, they were not introduced in the Punjab. That is the fact. And why were they not introduced? I can see no other reason than the peculiarity of the conditions of the Province itself, which have not ceased to operate now.

Then came the Report of the Statutory Commission. The Commission ignored the history of the origins of separate electorates. They ignored in the Report that separate electorates were meant as a minority right and as a concession to a minority community. They made its removal contingent on the mutual consent of Hindus and Muhammadans in all Provinces, whether the Muhammadans in those Provinces were in a majority or in a minority. The climax has now been reached by the Despatch of the Government of India in which they proposed that an absolute majority should be conceded to Muslims in both these Provinces, and separate electorates continued all the same. Under these conditions, Sir, it has been impossible for us to bring about a settlement or to arrive at a settlement when the whole object of separate electorates has been, according to my view, misinterpreted and misapplied by these two documents to which I refer.

With regard to the second proposition, that separate electorates have proved futile, so far, as a protective measure for the minorities and, in the future *régime* they will be possibly harmful to minorities, I will advance arguments which may convince other minorities or not. I am not going to force my conclusions on other minorities. In the first place, whatever I say with regard to separate electorates being a useful institution, or not, in the interests of minorities does not apply to Europeans and Anglo-Indians. They form a separate, isolated, and segregated group by themselves. Although they are sympathetic to Indian aspirations, their culture is quite different, their mode of living is quite different from those of the majority of the people, but the fact that makes all the difference is their ignorance of the language. They cannot canvass a constituency consisting of Hindus, Muhammadans and Europeans. They are a very small community indeed, but it is not on account of their smallness that the necessity for a separate electorate exists in their case: it is because they form such a separate and isolated community, and it is because they cannot use the ordinary means of canvassing a joint electorate that they need separate electorates. Therefore whatever I say with regard to the utility or other view of separate electorates does not apply to them. I do not force my conclusions either on the Depressed Classes or on Christians or even on Muslims. I present my own view of the case, and I relate to you my own experience of what separate electorates have done. Separate electorates having been recognised for the Muslims, the Hindus automatically are returned by separate electorates. What is the result? In the last *régime*—I mean to say, with the official bloc being present there—I find that our voice is a voice in the wilderness. Whenever we are at issue with a community, either the Sikhs or the Muslims, our representation is perfectly useless, but the voice has been raised and representations have been made because of the presence of the official bloc. The official bloc being there, and being substantial in numerical strength, each minority has found it worth its while to lay its case before the Council with the object of winning over the support of the official bloc. We have obtained that support at times, but very seldom; and so far, although the separate electorates have not proved harmful, they have proved, in my experience, absolutely futile. In the new *régime* which will be introduced, and in which large powers will be given to Provincial Councils, in which cabinets will exist which will exercise large and extensive powers, you will be faced with a very difficult problem—I mean to say, the minority communities will be faced. The Members of the Cabinet will naturally largely come from majority communities and not one of them will owe his seat in the Council to a vote of the Minority community. I consider it to be a fundamental right of citizenship to be able to exercise my vote in selecting representatives to the Council who have to decide my fate. As matters stand now, two-thirds of the Council is elected without my having any voice in the election of members, and now their responsibility, the responsibility of two-thirds of the elected members, is shared by the official bloc. When the official bloc disappears the sole responsibility will rest on those two-thirds of the members in whose election my community has had no voice.

Well, Sir, that is a condition which is highly undesirable, and to which I, as a member of a minority community, strongly object. I am deprived of a fundamental right, a right which is the primary right of citizenship, of selecting the representatives

who have to decide my fate. I am not given that right. That is the view which was presented by me and by men of my party before the Simon Commission, but it has been entirely disregarded. It was put before His Excellency the Viceroy; it was put before His Excellency the Governor; but there is not a word about it in the Despatch. I am not discouraged, however; I am not despondent. I think I have right on my side, reason on my side, and I will go on putting my case again and again until the final answer comes.

Mr. Isaac Foot was kind enough, at one of the meetings of the sub-Committee, to put certain questions to the representatives of the Depressed Classes as to the view which the Depressed Classes took on the question of separate electorates. I hope he will extend that solicitude to me also. I hope that the British Delegations, as well as the other members of this Committee, will give their best consideration to what I have to ask on behalf of the minority which I represent.

Now, I am not the only person who entertains this view, and all Muhammadans do not differ from me. There are certain Muslims who take the same view of separate electorates as I do. The Maharaja of Mahmusabad and Sir Ali Imam are responsible Muslim gentlemen. The one was a member of the Executive Council of Lucknow, in which the Muslims constitute a minority; the other was a member of the Executive Council of the Government of India. Sir Ali Imam was once a staunch advocate of separate electorates, but after actual experience of administration, after actual experience of how the separate electorates worked, he changed his view.

I want now to quote a passage from the Nehru Report at page 30:—

> "It is admitted by most people now that separate electorates are thoroughly bad and must be done away with. We find however that there has been a tendency amongst the Muslims to consider them as a 'valued privilege', although a considerable section are prepared to give them up in consideration for some other things. Everybody knows that separate electorates are bad for the growth of a national spirit, but everybody perhaps does not realise equally well that separate electorates are still worse for a minority community. They make the majority wholly independent of the minority and its votes are usually hostile to it. Under separate electorates therefore, the chances are that the minority will always have to face a hostile majority, which can always, by sheer force of numbers, override the wishes of the minority. This effect of having separate electorates has already become obvious, although the presence of the third party confuses the issues. Separate electorates thus benefit the majority community. Extreme communalists flourish thereunder and the majority community, far from suffering, actually benefits by them. Separate electorates must therefore be discarded completely as a condition precedent to any rational system of representation. We can only have joint or mixed electorates."

Well, Sir, the learned members of the Statutory Commission no doubt made a careful study of the Nehru Report before issuing their Report but there is not a word in that Report about this argument, refuting it or meeting it.

I do not claim that there is a monopoly of wisdom and deep insight only with the Hindus. Our Muslim friends also realise the situation. We have received messages from them that they are prepared to give up separate electorates if substantial majorities were secured to them in the Punjab and Bengal; that if they were not altogether prepared to give them up, they would at any rate consider the proposals made by us to that effect. But, Sir, how are those absolute majorities to be made up? The case of Bengal is not so difficult. The case of the Punjab is much more difficult. I have nothing to say against the principle of weightage which was promised to our Muslim friends by Lord Minto and by Lord Morley, but I certainly protest against the proposal to play fast and loose with the principle of weightage when it suits the Muslim community but no weightage where it does not suit them. In Bengal the proposals that have been submitted by the Government of India do not reduce the representation of any minority to below its numerical strength in the population. The Europeans, who form a very small minority, probably 1 per cent., will get more than 1 per cent. representation through the special constituencies which will return them. Assam is another case in which the Muslim minority is something like 29.8 per cent. in proportion, but so far the representation secured to the Muhammadans is slightly in excess of their numerical strength. In the case of the Punjab curious proposals have been submitted by the Government of India. Those proposals do not touch the representation of Sikhs, do not reduce, as far as I know, the weightage which has been given to them, but reduce the representation of Hindus to something less than their numerical strength in the population. Is this the way in which minority interests have to be safeguarded? Of the importance of safeguarding Muhammadan interests I am not unconscious.

But is the Hindu minority in the Punjab to be made an exception to the rule? Is this the way in which the promise of protecting the rights of minorities has to be redeemed: by reducing the representation of Hindus to something less than their numerical strength in the population? On this point, Sir, I dwelt on the first day, but I wish to make the point a little clearer. In the Punjab there are separate electorates for Sikhs and for Muslims; that is to say, there are electoral rolls in which only the Muslims are entered, and they may vote only for the Muslims. There are similar electoral rolls for the Sikhs in which only Sikhs are entered, and they may vote only for the Sikhs. In the third electoral roll, that of Hindus and others, people other than the Hindus are also entered; that is to say, Parsees, Indian Christians, Bhuddists and Jains. As far as Indian Christians are concerned separate provision has been made for them; but there is no separate provision for Jains and Bhuddists; they are considered as being part and parcel of the Hindu community; they are entered on the Hindu electoral roll, and they may be elected as members of the Council by the Hindu voters. They are Hindus; there is no reason to exclude them. It appears to me that the Punjab Government, when they showed that the Hindu population is nearly 31 per cent. of the total population, omitted the figures with regard to Jains and Bhuddists. If those figures are included, and I meant to include them when I said that the proportion was nearly 32 per cent., the proportion as a simpler matter of arithmetical calculation comes to 32 and not 31 per cent. Then in computing the seats, the Punjab Government is wrong in considering the Commerce seat to be a Hindu seat. The Industries seat is a Hindu seat but that has been removed.

Chairman: Might I remind the Committee that we are really not discussing the numerical proportions that are going to be settled.

Raja Narendra Nath: Very well.

Chairman: We are discussing whether that method will be adopted, but please do not take up time in discussing figures now.

Raja Narendra Nath: Very well. I simply wanted to explain matters on which I touched briefly last time. But I say it is at least the right of every minority community to secure representation according to its numerical strength; that right should not be refused to any community. We are not asking for any concession or weightage; we simply want representation according to our numerical strength. In order to secure an absolute majority for the Mussalmans, is it right that our representation should be reduced to something below our numerical

strength? That is what the Despatch of the Government of India proposes, based upon the proposals of the Punjab Government.

Now, Sir, I hope I am not tiring your patience. In the beginning of my speech I referred to the concluding words of paragraph 231 of the Montagu-Chelmsford Report; those words are: That we can see no reason to set up communal representation for Muhammadans in any Province where they form a majority of the voters. This Report was written at a time when constituencies were not framed, and the voting strength of Mussalmans in each constituency was not known. I am afraid the Government of India have also fallen into a similar error. At page 29 they say that all these differences will be settled when the voting strength of each community approaches the numerical strength of the population. Well, with due deference to the Government of India, I humbly submit that this is an erroneous view. In the western part of the Punjab the Muhammadan population predominates; in the eastern part of the Punjab the Hindu population predominates. The case is just the reverse in Bengal: in eastern Bengal the Muhammadan is predominant, and in western Bengal the Hindu population is predominant. Now, Sir, whatever the franchise, even if the present franchise is maintained, in western Punjab the Muhammadan voters will predominate, while in eastern Punjab, even if adult suffrage were introduced, the Hindu voters would predominate. The population is not distributed equally in the Province either in the Punjab or in Bengal; in one part one community is to be found in a preponderant majority, while in another part it is a very small minority. In Kangra district, for instance—I mention this for the information of my friend Sir Muhammad Shafi, whatever may be the franchise the Muhammadan voters will not predominate; it is a purely Hindu district. In the same way, in, say, Gurgaon district, or in some other districts in which the Hindu population predominates, the extension of the franchise would make no difference.

Sir, in connection with this I refer you to a statement prepared by the Punjab Government. I am sorry to say I have not got it with me; I did not bring it with me; but if this Committee cares to probe into the matter further, they can get that statement and have a look at it. That statement is called "E—Punjab 80." It was produced before the Simon Commission; it was prepared by the local Government for the Commission. I have not got all the figures and I am not sure that what I have written exactly represents the figures given in that statement. But it will appear from a perusal of that statement that the number of districts in which the Muslim voters predominate is very nearly equal to the number of districts in which non-Muslim voters predominate. This is with the present franchise. When the franchise is extended, the disparity may be removed. It will be still further reduced; it may not become quite proportionate to the population, but still the disparity will be considerably reduced, and it will be possible for any franchise Committee to frame a scheme of constituencies and allotment of members to each constituency in such a way that the number of Hindus or non-Muslims returned by the majority of Hindu voters may be the same as the number of Muslim members returned by a majority of Muslim voters.

Mr. Fazl-ul-Huq: On a point of order, Sir. It would very much help us if we knew exactly what is the point that Raja Narendra Nath is going to make. If his main purpose is with regard to Bengal, I shall have something to say.

Raja Narendra Nath: I am first offering figures with regard to the Punjab.

Chairman: A point of order has been put to me and I must answer it. I think it is very difficult to understand what is the use of this. The detail would be most valuable for a Committee going into the whole details of the rearrangement of Punjab constituencies, but it is not in the least helpful to us who want to understand what your minds are upon the great ruling principles which must guide us in whatever position we may take up.

Raja Narendra Nath: I wish to point out, Sir, that under a system of joint electorates the Muhammadans will not suffer; on the other hand they will gain. That is the point I am going to prove; that they will gain under a system of joint electorates and not suffer. It is not that they will not enjoy full autonomy; they will enjoy full autonomy. That is what I am trying to illustrate and prove. I am afraid I shall have to go again into the figures.

Mr. Fazl-ul-Huq: On a point of order again, that would not help the Committee, because that is a piece of advice that has been offered us—

Raja Narendra Nath: I am not talking of Bengal. I am talking of the Punjab and confining myself to the Punjab.

Chairman: Unless speakers address themselves to the real point which is before us, I would like to warn you that you are not helping your case; you are prejudicing your own case; because what we want is that you should help us. We cannot follow all these detailed figures and it is not our business to do so. We will follow with the greatest appreciation an argument on whether communal registers help minorities or not; we shall be exceedingly grateful to have that addressed to us. But I have been watching the clock for the last 20 minutes without any point being made. I assure you that the effect of that is to prejudice your case in our mind rather than to assist it.

Raja Narendra Nath: Very well, Sir. Then I have said enough about the separate electorates for minorities being prejudicial to their interests. I think it is a denial of the substantial right of citizenship which all minorities ought to have conceded to them, to deprive them of the right of voting in the election of members who are to decide their fate. That is the view which I take, and that is the view that has been taken by the framers of certain important constitutions. That is the view which is taken even by certain Muhammadan gentlemen, though it is not the view taken by the Muhammadan gentlemen present before you here.

Then, Sir, I myself think that to make the Governor the custodian of minority interests is not sufficient. So far as my minority is concerned, it wants a declaration of rights to be embodied in the constitution. Colonel Gidney referred to it; Sir Hubert Carr made some sort of reference to it; Dr. Ambedkar has sent in a note on it, though he has not had the opportunity of speaking. I am rather sorry to find that Sir Muhammad Shafi has made no reference to the point, though in the memorandum submitted by Dr. Shafa'at Ahmad, who is an important member of the Muslim community from the United Provinces, he laid great stress on certain substantial rights being recognised for minorities in the constitution. Well, Sir, I lay stress upon that, and I wish and hope that some sort of method will be adopted by this sub-Committee, by appointing a few men who have to draft such a declaration which will be put before the Committee and before the full Conference.

Members: That is right.

Raja Narendra Nath: As to the Services, to which reference was made by Sir Muhammad Shafi, I do not ask for that very general demand on which stress has been laid by other speakers; but I certainly wish to guard against the contingency of Services being made dependent on communities alone, and on communal positions alone. There ought to be something in the constitution laying down general principles in clear words as to the way in which recruitment has to be made. I do not favour the idea of not making some reservation to redress communal inequalities. A certain principle has been

followed and adopted by the Government of India with regard to All-India Services. I desire that a similar rule may be adopted with regard to all other Services; because, after all, as is pointed out by the learned members of the Statutory Commission, most of the dispute and controversy and communal squabbling is about services and appointments. Some definite rule should be laid down about it, and should be laid down somewhere in the constitution, so as to give it a binding force even on the members of the Public Services Commission. Well, Sir, I am not going to say anything more.

Dr. Ambedkar: Mr. Chairman, I am sure you will readily agree that the task which has fallen upon me to represent the case of the Depressed Classes is a heavy one. I think it is for the first time that the case of the Depressed Classes from the political point of view has come to be considered. The disabilities of the Depressed Classes were mentioned in almost every Despatch that was recorded by the Government of India in connection with the political advancement of the country; but the Despatches only mentioned the difficulties and never attempted to give any solution of those difficulties. The problem was just allowed to rest there. In view of that, and in view of other matters, namely, that in a Committee consisting of so many members we are only two to voice the grievances of 43 millions of people, and grievances which the Committee will agree are unparalleled by the case of any other community that exists in India, I submit that the task is really an enormous one, and I should have expected more latitude in the matter of time allowed to me for presenting this case. But I anticipated that probably such would be the fate that would befall me, as it did, of course, at the Plenary Session; and, in anticipation of that, I and my colleague, Rao Bahadur Srinivasan, thought it advisable to submit to this Conference a written memorandum giving in clear-cut language what the Depressed Classes desire by way of political safeguards in the future constitution of India. That memorandum has already been submitted and circulated among the members of this Committee, and I hope every one of them has received it. In view of this fact, that the case of the Depressed Classes is in the possession of the members of this Committee, I do not wish to ask indulgence from the Chairman for a larger period to present the case. I will therefore summarise, only to emphasize, what I have stated in the memorandum which is already in the hands of the members of the Committee.

Sir, the first observation that I will make is this, that although there are various minority communities in India which require political recognition, it has to be understood that the minorities are not on the same plane, that they differ from each other. They differ in the social standing which each minority occupies *vis-à-vis* the majority community. We have, for instance, the Parsee community, which is the smallest community in India, and yet, *vis-à-vis* its social standing with the majority community, it is probably the highest in order of precedence.

On the other hand, if you take the Depressed Classes, they are a minority which comes next to the great Muslim minority in India, and yet their social standard is lower than the social standard of ordinary human beings.

Again, if you take the minorities and classify them on the basis of social and political rights, you will find that there are certain minorities which are in enjoyment of social and political rights, and the fact that they are in a minority does not necessarily stand in the way of their full and free enjoyment of those civic rights. But if you take the case of the Depressed Classes, the position is totally different. They have in certain matters no rights, and, where they have any, the majority community will not permit them to enjoy them.

My first submission to this Committee, then, is that it should realise that although, to use an illustration, the minorities are all in the same boat, yet the most important fact to remember is that they are not all in the same class in the same boat; some are travelling in "A" class, some in "B" class and some in "C", and so on. I have not the slightest doubt in my mind that the Depressed Classes, though they are a minority and are to that extent in the same boat as other minorities, are not even in "C" or "D" class but are actually in the hold.

Starting from that point of view, I agree that, in some respects, the position of the Depressed Classes is similar to that of the other minorities in India. The Depressed Classes, along with the other minorities, fear that under any future constitution of India by which majority rule will be established—and there can be no shadow of doubt that that majority rule will be the rule of the orthodox Hindus—there is great danger of that majority with its orthodox Hindu beliefs and prejudices contravening the dictates of justice, equality and good conscience, there is a great danger that the minorities may be discriminated against either in legislation or administration or in the other public rights of citizenship, and therefore it is necessary to safeguard the position of the minorities in such a manner that the discrimination which is feared shall not take place.

From that point of view, however, what is asked is that the minorities shall have representation in the Legislatures and the Executive, that they shall have representation in the public services of the country, and that the constitution shall provide that there shall be imposed on the future legislatures of India, both Central and Provincial, certain limitations on their legislative power which will prevent the majorities from abusing their legislative power in such a manner as to enact laws which would create discrimination between one citizen and another. I say this circumstance—this danger of discrimination—is common to all minorities, and I, as a representative of the Depressed Classes, join with the demand which the other minorities have made in this regard.

Now, Sir, I will come to those circumstances which mark off the Depressed Classes and the other minority communities in India. I will at once say that the way in which the position of the Depressed Classes differs from the position of the other minority communities in India is this, that in the first place the Depressed Classes are not entitled, under present circumstances, to certain civic rights which the other minorities by law enjoy. In other words, in the existing situation the Depressed Classes suffer from what are called civic disabilities. I will give you just one or two illustrations, because I know I have not much time at my disposal.

Take the case of employment in the Police or in the Army. In the Government of India Act it is provided that no subject of His Majesty shall be deprived of the right of being employed in any public service by reason of his caste, creed or colour. Having regard to that, it is obvious that every member of the Depressed Class community who is capable, who is in a position to satisfy the test laid down for employment in any public department, should have the right to enter that public department. But what do we find? We find this. If a Depressed Class man applies for service in the Police Department to-day, he is told point-blank by the executive officers of the Government that no member of the Depressed Classes can be employed in the Police service, because he is an untouchable person. In the case of the Military the same situation obtains. Up to 1892 practically the whole of the Madras Army and the whole of the Bombay Army consisted of members drawn from the Depressed Classes. All the great wars in the history of India have been

fought with the help of sepoys drawn from the Depressed Classes, both in the Bombay Presidency and in Madras. Yet in 1892 a rule or regulation was made which debarred the Depressed Classes from entry into the military service, and even to-day, if you ask a question in the Legislative Council as to why this is done, the answer is that the bar of untouchability does create insuperable difficulties in the recruitment of these classes.

I am quite sure that this disability is as effective as if it was imposed by law, and the section in the Government of India Act, which says that all His Majesty's subjects shall have free entry into employment provided they are otherwise fit, is altogether set at naught.

I can cite many other cases. For instance, there is the difficulty the Depressed Classes find in getting themselves accommodated in a public inn when they are travelling, the difficulty they find in being taken in an omnibus when travelling from one place to another, the difficulty they find in securing entry to public schools to which they have themselves contributed, the difficulty they find in drawing water from a well for the building of which they have paid taxes, and so on. But I need not go into all these cases. The one circumstance which distinguishes the position of the Depressed Classes from that of the other minorities is that they suffer from civic disabilities which are as effective as though they were imposed by law.

The second and, in my opinion, the most hideous distinction which marks the Depressed Classes is that the Depressed Classes are subject to social persecution unknown in any other part of the world. In that connection I want to read to the sub-Committee a small extract from the Report of a Committee appointed by the Government of Bombay in the year 1928 to investigate into the position of the Depressed Classes. That Committee tried to find out whether there were any impediments in the way of the Depressed Classes enjoying such rights as the law gave them in common with other citizens of the State.

This is what the Committee said:—

> "Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.
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> "The second difficulty arises from the economic position in which the Depressed Classes are found to-day. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.
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> "We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift."

A third thing which the Depressed Classes fear more than any other community is that whatever representation they may be granted in the new legislature, they will always be in a very small minority, and consequently, having regard to the apathetic attitude of the orthodox classes towards the Depressed Classes, there is always the danger of the interests of the Depressed Classes being neglected altogether, or some action taken which may ultimately prove to be prejudicial to their interests.

As against these special circumstances which affect the Depressed Classes, we propose the following safeguards. First of all, we want a fundamental right enacted in the constitution which will declare "untouchability" to be illegal for all public purposes. We must be emancipated, so to say, from this social curse before we can at all consent to enter into the constitution; and secondly, this fundamental right must also invalidate and nullify all such disabilities and all such discriminations as may have been made hitherto. Next, we want legislation against the social persecution to which I have drawn your attention just now, and for this we have provided in the document which we have submitted by certain clauses which are based upon an Act which now prevails in Burma. I need not go into that detail just for the moment. Then what we want is this, that liability of the executive officers of the Crown for acts of tyranny or oppression shall be made effective. To-day, under sections 110 and 111 of the Government of India Act that liability is not real. And lastly, what we want is a right to appeal against acts of neglect or prejudice to the Central Government, and failing that, to the Secretary of State and a special Department in the Government of India to take charge of our welfare.

This is, in general, the case for the Depressed Classes, and the safeguards that they want. Let me just say a word or two as regards the most important of them—namely, their right to adequate representation in the legislature. Now, on the question of the granting of representation of the Depressed Classes, we are absolutely unanimous that that representation shall be by election and not by nomination. The system of nomination has produced, in the case of the Depressed Classes, results which we all say are abominable. The system has been abused in a manner in which it was never expected that it would be abused, and it has never given the Depressed Classes the real and independent representation which they must have as their safeguard. Under no circumstances, therefore, will the Depressed Classes accept representation by nomination.

As to the question of joint or separate electorates, our position is this—that if you give us adult universal suffrage the depressed classes, barring a short transitional period which they want for their

organisation, will be prepared to accept joint electorates and reserved seats; but if you do not give us adult suffrage, then we must claim representation through separate electorates. That is our position.

Now regarding the question of the number of seats, it is not possible, of course, for us to state definitely what that number should be, except to state that we will not tolerate any invidious discrimination. We insist upon equality of treatment. But the whole question, in my opinion, is entirely a relative question: it is a question that can be determined only in connection with, and by taking into account, the seats that will be allotted to the other minority communities; but I will make two observations in this connection. The first observation that I will make is this—that we, the Depressed Classes, demand a complete partition between ourselves and the Hindus. That is the first thing. We have been called Hindus for political purposes, but we have never been acknowledged socially by the Hindus as their brethren. They have taken to themselves all the political advantage which our numbers, which our voting strength, have given to them, but in return we have received nothing. All that we have received is a treatment which is worse than the treatment that they themselves have accorded to other communities whom they do not call Hindus. That must be the first thing, therefore, that we want done.

The second thing that I will say concerns the question of weightage. Now, this system—I will be plain—to my mind has been abused. I am not against the principle of weightage. I do not accept the principle that in all circumstances every minority must be confined to its population ratio. A minority may be so small that its population ratio may give a representation which may be wholly inadequate for the purpose of its protection. It may be a representation which may be of no consequence at all. If, therefore, you want to protect a minority adequately and really, then in certain circumstances the principle of weightage will have to be conceded. But the distribution of weightage must be subject to some uniform and intelligible principle. In our opinion weightage is to be conceded because a minority is weak, either in numbers, or because its social standing is low, or its educational standing is backward as compared with others, or because its economic strength is not sufficient to place it on a fighting par with other communities.

Members: Quite right.

Dr. Ambedkar: But I cannot understand, for instance, how weightage can be allowed on the ground of political importance, or loyalty, or services rendered either to the Empire or to the British Government. I think if we adopt that principle, we shall land ourselves in very difficult circumstances from which it will be difficult to extricate ourselves.

Regarding the question of the representation of the Depressed Classes in the Central Legislature. If you have again adult suffrage for the election of members of the Central Legislature, then, of course, the Depressed Classes will claim separate representation in the Legislature, such number of seats being allotted to them in conjunction with the seats allotted to other minorities. But if your representation is to be by a suffrage which is higher or much higher, based on property, and so much higher that the Depressed Classes will probably be entirely left out, then I am afraid the Depressed Classes will have to claim indirect election to the Central Legislature, carried on by electoral colleges composed of members of the Depressed Classes, in the Provincial Legislature, in municipalities, and in district local boards. That is all that I have to say so far as the Depressed Classes are concerned.

Having said all that I need say let me add one thing in conclusion: that this whole question of minority representation is really the crux of the whole situation, and if the majority community desire that all minorities should associate with them in having, or in claiming, a constitution which will give India what they call Dominion Status, or what we prefer to call Government by the people, for the people and in the name of the people, then I am afraid that the majority community must see to it that all fears of the minorities are set at rest. Otherwise it may not be possible for us to take what I do not conceal from myself is the risk that most of us are taking in claiming Dominion Status.

(*The sub-Committee adjourned at* 1 *p.m. and resumed at* 10 *p.m.*)

Mrs. Subbarayan: Mr. Chairman, before I proceed to speak on the Women's question, may I on behalf of my colleague Begum Shah Nawaz and myself thank you for giving us this opportunity to explain our views on this very important subject to this sub-Committee. I should like also to say that we know time is of great value at our meetings, and I shall try to be very brief and not to take up more time than is absolutely necessary.

Sir, my colleague and I have circulated a memorandum to this sub-Committee dealing with the political status of women under the new constitution in India. In that memorandum we ask that there should be inserted in the new constitution, or in any declaration of rights that may be attached to it, a clause to the effect that sex shall be no disqualification for serving India, or, more broadly stated, that all citizens of India possess equal civic rights. We strongly urge that such a declaration should be incorporated in the new constitution.

We have also asked in that memorandum that to some extent, and for a limited time only, women shall be considered as a "special interest." I do not mean to imply that the women's question is identical with that of the minorities or of the special interests; in many ways it is different, for it cuts across all races, creeds and classes; but in some respects it is not entirely dissimilar. The women of India stand out as a section of society which educationally, economically and politically requires special attention. Educationally, because women literates amount to only 2 per cent. of the population over five years of age, whereas men literates form 14.4 per cent. Economically, very few women own property and the laws of inheritance are not quite fair to them. Politically their voting strength is very small. The women electors amount to only 0.6 per cent. of the adult female population, while men amount to 10.4 per cent. of the adult male population.

Moreover, in the whole of India there have not been even half a dozen women in the Provincial Legislatures, and all of them have been nominated by government; and there have been no women in the Central Legislature. These are some of our reasons for asking you to consider women as special interests, and to grant them safeguards as regards their representation in the Legislatures in the form of reserved seats.

We also believe, Sir, that women have an important contribution to make to the political life of a nation and we feel convinced that that contribution has been felt and appreciated in the countries in which women have already obtained considerable political power. We want that contribution to be made also in India, and we want it most especially in the first few vital years of India's life under the new constitution. Women can make that contribution partly through the polling booths if they are given sufficient voting strength, but it is essential that they should be present in the Legislatures, and in sufficient strength, so as to make their influence felt and their voices heard.

We think that the best intentioned Legislature in the world cannot reflect the women's view unless women are actually members of that Legislature; but, while asking for temporary reservation of seats for women, we are aware that women have now the right to stand in open election for the Legislatures.

We do not desire that right to be taken away from them. We also agree that it is possible and desirable for women so to stand, but as long as the public is unaccustomed to the idea of women in active political life it will be extremely difficult for any woman to win in an open election.

We think, Sir, that the phrase "A fair field and no favour" is an illusory one at the present time, because convention and habit in India, as in all other countries, are inevitably opposed at first to the idea of women in active political life, and consequently at first there will not be real equality of opportunity for women in open elections. We are entirely in favour of a fair field and no favour after a time, when the public mind is accustomed to women in public life, but we think the new constitution should provide for a short period of reservation of seats for women, until the public mind shall be so accustomed.

I should like to make one point in this connection. We do not make this suggestion without some support. The Indian Central Committee recommended it. A deputation of distinguished Indian ladies who appeared before the Simon Commission at Lucknow strongly urged it. We ourselves have consulted several Indian ladies, both in India and in London, who have taken a keen interest in social and political work in India, and we have their support too as regards the subject of reservation; otherwise we should have been slow to put forward this proposal.

I shall take only a couple of minutes more. With regard to the form of reservation of seats, we suggest five per cent. of the seats in all the Legislatures should be reserved for women. As to the method of election, this requires very careful examination, but after bestowing much thought on it we have decided to put forward one proposal which we hope will obviate the usual difficulties attendant on election to reserved seats. We suggest that these seats shall be filled by co-option, by the legislative bodies voting by proportional representation as soon as these legislative bodies have themselves been elected. I ask the sub-Committee to give their very earnest consideration to this proposal, which is to our mind the only feasible and practicable one. We think this method will obviate the main practical difficulty inevitable in any system of election to reserved seats in a general election, namely that of allocating a small number of reserved seats to a Province which is divided into many electoral areas. This co-option method should also avoid the disturbance of the other reservations which will have been already decided. By it, moreover, the women co-opted to the Legislatures will broadly represent the general electorate, but their election will be carried out without the introduction of any communal question.

Here, Sir, I should like to emphasise the fact that until now the communal question has not entered the women's movement, and it is our earnest wish that it shall never enter it. Consequently we are extremely anxious that the reservation of seats for women shall not specify reservation of seats for women of different communities, but that the elections to these seats should be made, as I have already said, by the Legislatures voting by proportional representation.

We suggest, Sir, that the reservation of seats for women should disappear after two or three elections, or, if a time limit should be stated, after ten or fifteen years. We are not quite sure what the life of a Legislative Council will be, whether five or three years, and that is why I have suggested ten or fifteen years; we think the reservation should last for three elections. By that time the precedent for women in legislative bodies will be firmly established and their value felt, and we hope also by that time the franchise will be so broadened and education so advanced that it will not be necessary for women to have any safeguards.

Finally, Sir, we do most earnestly appeal to this sub-Committee to regard this reservation of seats for women as a very important matter, as it affects closely nearly half the population of India. In addition to the advantages which I have already mentioned, it will be an educative factor of no small value. We believe, as I said before, that women have their special contribution to make to politics. We believe they need experience in public life and above all we believe that the public need the experience of women. If by the reservation of seats for women we can achieve these three objects, we shall accomplish a far-reaching reform.

Sir Chimanlal Setalvad: I wish to make it clear at the outset that some of us here should not be taken as represented by the views that Dr. Moonje has expressed in this meeting or by any views and opinions that may have been expressed by the Hindu Mahasabha or any other organisation in India. Some of us here belong to a political party which is not communal; we do not belong to any communal organisation at all, and we are prepared—and we have always done so—to view all these questions that arise purely from the Indian and the National point of view.

I was sorry, Mr. Prime Minister, to find in some of the speeches already made a certain amount of heat developed, but I would beseech my Muslim friends on the one hand and my Hindu friends on the other not to be exasperated by or to become impatient at the utterances of any particular persons or any particular organisations. I wish you to preserve a calm atmosphere when you are engaged on such a momentous question as you are engaged on here to-day, and calmly and dispassionately consider the issues which have arisen, so as to arrive at a solution which may bring contentment, peace and prosperity to our land.

I beseech you to remember, whether you be Hindus or Mussalmans or whether you belong to any other community, that you are the children of the soil of India. You have to live together—not only this generation, but future generations yet to come—and you can only build up the prosperity of your country, you can only manage successfully your self-government, if you here and now build on mutual trust and confidence and concord the real nation of India.

Mr. Prime Minister, I do not think any right thinking person can deny that it is necessary in any scheme of self-government that we are now devising to take adequate measures to make the minorities feel quite safe. We ought so to devise methods as to make every minority, be they Mussalmans, be they Depressed Classes, be they Anglo-Indians or Europeans, feel they have got their proper place in the constitution, and that their rights and their liberties will remain unaffected.

From that point of view, Sir, it will be necessary to devise provisions and define fundamental rights by which their religion, education, culture and things of that character can be safeguarded. You will also certainly have to provide against any legislation that may prejudicially affect the religion, or the social customs based on religion, of any community. To my mind it will not be difficult to provide safeguards, properly worded, on a matter of this character.

Nor do I think it should be difficult for us to arrive at a satisfactory conclusion on some of the points on which our Muslim friends are laying stress—for instance, the question of the separation of Sind, the question of the North West Frontier Province, the question of the Cabinet and the question of the Services. On all those points, Sir, I think it is not at all difficult to frame proper formulas and proper resolutions which will be satisfactory to all minorities; and, once we arrive at a stage when we can proceed to deal with those points specifically, I for one and some of my friends here will be able to produce formulas and resolutions which I am sure my Muslim friends are fully aware of and which I am sure they will agree to with satisfaction.

If then, Sir, all these proper provisions and safeguards for religion, for culture, for the Cabinet, for

the Services and the rest of it are made, as I think they should be made, I submit that a great part of the apprehensions that any minority community may entertain at present should be removed and will be removed, and I beseech my Muslim friends as well as the other minorities—I am not at present dealing with special cases like those of the Depressed Classes, the Anglo-Indians or the Europeans—to consider whether they, the other bigger minorities, if they get all those safeguards that I have named, properly worded and properly shaped to meet the end we have in view, will not minimise the estimate that they now have of their apprehensions. Will they not then consider—I am only asking them to consider—whether it would not, in those circumstances, be to their interest to come into the joint electorates?

Mr. Prime Minister, I and some of us have been firm believers all the time in joint electorates, not because the joint electorates will confer advantage or disadvantage on one community or the other, but because we believe, and have always believed, that the method of joint electorates is the right method for building up a nation in India. Otherwise, what happens under separate electorates is this, that the member who has been elected merely by the Hindu votes, and has not to seek the suffrage of the Muslim votes, naturally does not care for the interests of the Muslim community. Vice versa, the Muslim candidate who gets in only by the suffrages of his own community and has not to nurse the Hindu voters naturally becomes less mindful of the interests of the other community. All those disadvantages will disappear if you have joint electorates, under which every candidate has to seek the suffrage of all the communities. He will then be bound to look after the interests of all his constituents, Hindu and Muhammadan and every other community. I therefore beseech my Muslim friends to consider whether it may not after all be wise in the general interest of India to come into joint electorates. Certainly for their protection I am quite willing that there should be reservation of seats, so that they may be secure about their proportion in the Legislatures. But supposing they are not prepared to take that step, however desirable it may be from my point of view and from the point of view of those who take the same view, may I implore them to consider whether they will not, if not wholly accept the general electorates, at least accept the principle of general electorates in some modified form or another, so that a beginning may be made in that direction. What I mean is this, by way of illustration—some scheme by which a major portion of the seats allotted to them may be competed for in the separate electorates, but that a percentage, even a little percentage, may be competed for in the general electorates. That would make a beginning; that would give them the experience, after some years, as to how the system works; and then they will be more prone to come into the joint electorates. As a further illustration I would mention the scheme that Maulana Muhammad Ali once suggested, namely, that the Muhammadan candidate, for instance, should obtain a certain percentage of the votes of his community, and then the rest from the other community; and vice versa. If you do some such planting you will create the beginning of coming into the joint electorates, and if you do that I am sure that all parties will be satisfied, and everyone will feel that a beginning has been made which is bound to lead ultimately to very good results.

If my Muslim friends are agreeable to come into some such scheme, then it should not be difficult to adjust the numerical proportion controversy. Some of us here, and I think some of the people in India too, will not be at all averse from the Muslims in the Provinces in which they are in a minority retaining their present weightage, and with regard to the Punjab and Bengal, where they are in a majority, some proper adjustment may be arrived at which will give to them the majority which they have in those Provinces, and also adjust in some reasonable manner the claims of the Sikhs and Hindus. I therefore appeal, Sir, to my Muslim friends to consider whether in these circumstances they will not consider joint electorates either wholly or in some modified form that may commend itself to them. I quite see that however much I personally, and my friends, want joint electorates, as I have said, on principle, we cannot shut our eyes to the fact that if we fail to persuade our Muslim brethren, we cannot force them to accept our view. If they, after considering the whole situation in the manner in which I have ventured to put it before them, still hold that in their interests, however mistaken I may consider their view to be, they can only safeguard their position properly by the separate electorates for which they are asking, let them have them, because, as I have said, our object here is to devise a constitution which will please everybody, which will induce all communities to work it with enthusiasm and to work it in a proper manner. Therefore my view is that whatever views I may hold or we may hold as regards the comparative merits of the general electorates or the separate electorates, if the Muslims say, "No, we still want separate electorates", I only ask them to consider what I have said, and if after that consideration they think they should have separate electorates then I, for one, and some of us, will not stand in the way. And if separate electorates are to come, then I again put it to all here: let us hush all controversy, put an end to all bickerings and quarrellings about numbers, about one per cent. here and two per cent. there in one Province or another, and in a spirit of give and take, in a spirit of mutual concession, agree here and now to some rough and ready method by which that question can be solved. One method that suggests itself to me—again, no doubt, a rough and ready method—is this. If separate electorates are to be there accept the numerical figures for the various provinces which the Government of India, after consideration, have recommended. Let all sides accept that solution. I appeal to my Sikh friends, I appeal to my Hindu friends, do not haggle and quarrel about one per cent. here and two per cent. there. After all, your community—the Sikh community, the Hindu community, the Muslim community—is each a community of importance. You have produced among you men of great intelligence, men of great status; and surely, whether you are two per cent. more or two per cent. less, each one will be able to hold its own in the administration of the country.

Therefore I put it to you, Sir, whether the solution may not be found in the manner I have described. As I have said, and again repeat, although I disapprove of separate electorates, if our Muslim brethren want separate electorates, let them have them, and let them accept the numerical figures given by the Government of India.

That, to my mind, is the shortest way of putting an end to this controversy. All I beg of you is this: let this wretched question be put out of the way; let us all stand shoulder to shoulder and get the self-government that we want for India. We shall not get it if we go on bickering and quarrelling about five per cent. here and two per cent. there, and this concession there, and this concession here, and this pulling here and this pulling there. Let every safeguard be provided, which can easily be provided, with regard to the Cabinet and the Services. That can be agreed upon, Mr. Prime Minister, if we agree on everything else, in half an hour; and if my Muslim brethren and my Sikh brethren and my Hindu brethren in the Punjab and Bengal will agree to the suggestion I have made, Sir, we can here and now put an end to this controversy, and, as I say, set to work on the difficult main question that is before us, and which we have, until now, not really tackled.

Sir Ahmad Said Khan: It is not without a feeling of humiliation that I rise to speak. In my opinion the honourable position for us would have been to come before you, Sir, with communal differences settled; but as it is now, we have got to face the facts

and to make an endeavour to tackle them as best we can. The Muslim point of view was put forward by Sir Muhammad Shafi, and I have nothing to add to it. The few observations that I wish to make are simply with a view to helping the new constitution which we are going to evolve. I will try to take a detached view of the situation. Out of the discussions that we have heard here two things have come out very clearly. One is that the minorities are insistent on having their safeguards. I do not read the speeches of the various representatives of the minorities in the same light as my friend Dr. Moonje did, and I think that all the representatives of the various minorities in the most unequivocal terms have declared themselves in favour of safeguards. Even the representative of the Indian Christian minority, my friend Mr. Paul, in spite of his leanings towards nationalism, could not help saying that if the poisonous cup of safeguards is going to be prepared for other minorities, then his community would also like to have the same. The other fact which is very clear to me is this, that if we wish that the new constitution may succeed in India, then it is essential for the success of the new constitution that a feeling of security should be created in the minds of the minorities. I know, Sir, it is said that some of the safeguards, particularly the separate electorate, is the negation of democracy, that it is destructive of the spirit of nationalism, that it has caused all the communal troubles. To me it looks that these safeguards, including separate electorates, are not the cause but the outcome and result of communal misgivings: they are not the creators but the creatures of communal mistrust. Therefore, as long as that mistrust and those misgivings are there, I do not think that the minorities will be willing to surrender these rights. Of course, when these misgivings shall have been replaced by trust, they will be quite willing to give up those rights; but we know, Sir, that trust cannot be created to order, it must come from within. We cannot implant it, it must grow; and therefore I am afraid we shall have to await the time when the minorities become trustful of the majority community in India.

I am fully alive to the disadvantages of the separate electorates. I am very much obliged to the last speaker for his speech, and for the tone in which he dealt with the whole subject. I am grateful to him for the way in which he considered the question of the minorities, and I am fully aware of the strong objections that there are to separate electorates; but, Sir, there is nothing like typical democracy, and it does not follow that because a certain constitution is good for one country it will necessarily be good for another country. In India, as long as communal feelings are as they are, I think that we shall have to have some safeguards. After all, it is not only that we are to convince those of us who have come here, but the very important thing is to satisfy those who have been left behind in India, and for this reason I think that we should not insist on the abolition of communal representation at this stage, because I feel that the more we insist on the abolition of the separate electorate the more we excite the misgiving of those who enjoy it and consequently stiffer is getting their attitude. I think, therefore, that it will be desirable to leave it as it is, with a definite clause in the constitution that if any minority at any stage wish to surrender this right they can do so by passing a resolution in their legislature supported by two thirds of that minority, and then the joint electorate will at once be introduced; because I for one have strong hopes that, as suggested by Sir Chimanlal Setalvad, if we are going to embody various safeguards in our constitutions, then the minorities will soon realise that there is hardly any need to have a separate electorate. After all, I believe that the separate electorates are not the goal but the means to achieve the goal; but if they have the safeguards embodied in the constitution, when they have seen the working of the constitution for a few years, and find that it gives them satisfaction, I hope that they will then be prepared to surrender their safeguards. But I beg my Hindu friends, as well as my British fellow Delegates, not to insist on such minorities as wish to have separate electorates to give it up, because the more you insist the more those minorities feel that there is something wrong, and the more their mistrust is excited.

Sardar Ujjal Singh: I am very grateful to you, Mr. Chairman, for having given me an opportunity after all to make a few observations. I shall be as brief as possible. I do realise that we are face to face with realities now, and that it is no use talking platitudes. We do loudly talk of nationalism, but in the same breath we all talk in terms of our own communities. If we were to think, speak and act in matters political, of nationalism alone and of the good of our country, then I think we should not have talked of communalism in the same breath, and we should not have heard of that scramble for power on the part of some communities, and that nervousness on the part of other communities as regards protecting their interests. Sir, if we are to assess the value of separate and joint electorates from the standpoint as to what method can best serve the interests of a particular community, I can surely say that separate electorates will serve the purpose better. But if we consider the question from a national point of view and the interests of India as a whole, joint electorates are decidedly preferable. But we must cease judging the results of joint electorates by the standard of losses and gains to various communities. Until we cease thinking in terms of various communities the good that we expect of joint electorates will never come about.

I certainly believe that unless that mentality changes, joint electorates are not going to carry us very much further. But unfortunately that time does not seem to have arrived. If and when that time does arrive I can assure you that the Sikh community will not be found wanting in making that sacrifice. I do realise that the minorities have got to make tremendous sacrifices in giving up separate electorates, and the smaller the minority the greater the sacrifice. In that respect I fully realise that with the introduction of joint electorates, in the Punjab at any rate, the Sikhs being the smallest minority out of the three communities will have to make a tremendous sacrifice.

For a fuller appreciation of the demands of the Sikh community, Sir, I would only refer to the times when the Minto-Morley reforms were introduced. The Sikhs, fortunately or unfortunately, did not know the art of agitation, and their interests were entirely ignored. The result was that in two elections after the Minto-Morley reforms, no Sikh was returned and in one election only one Sikh was returned. That created a great nervousness in the minds of the Sikh community. My honourable friend Sir Muhammad Shafi pointed out that the Sikh community never put forward a claim for one-third representation, they only wanted a little excess over their numerical strength. I would only refer to the memorandum sent by the Honourable Sir Sunder Singh Majithia as a member of the old Imperial Council in 1916, in which he definitely placed the claims of the Sikh community, and said this: "In order that such representation may be adequate and effective, and consistent with their position and importance, the Sikhs claim that a one-third share in all seats and appointments in the Punjab is their just share and should be secured to them as their absolute minimum."

Sir, in 1916, as we all know, a pact was arrived at by the Hindus and the Muslims in which the Sikhs did not take part; and in their absence certain figures were fixed for representation in the various provincial legislative councils. But the case of the Sikh community was entirely ignored. My friend Sir Muhammad Shafi has pointed out that those figures were not the result of a pact, but were

granted to them as the result of the Minto-Morley reforms. I do not know whether this statement is correct, but I have before me the Montford Report. The authors of that joint report say: "We are not aware on what basis, other than that of negotiation, the figures were arrived at." They point out that the Muslims were given a higher percentage than their numerical strength in various Provinces. They say: We do not know on what basis those figures were arrived at excepting that of negotiation.

Sir Muhammad Shafi: If I may give a personal explanation, Sardar Ujjal Singh has forgotten that I did not say anything about figures. What I said was that weightage to the Mussalmans in the minority Provinces had been granted by the Minto-Morley reforms.

Sardar Ujjal Singh: That may be, but not to the extent to which it was arrived at in the Lucknow Pact. Then, Sir, the only community that protested against the Lucknow Pact was the Sikh community. It was accepted by the Mussalmans and the Hindus. In 1918 Sir Fazl-i-Husain, who was then a member of the Punjab Council, moved a resolution that that pact ought to form the basis of representation, and the Muhammadans ought to be given seats according to the proportions given in that pact. To that resolution the Sikh member of the Legislative Council moved an amendment that the representation for the Sikh community ought to be fixed at one-third. That clearly showed that the Sikhs had been protesting against the proportions fixed in the Lucknow Pact since that time.

Then came the Montford Report. In that report the authors stated that they were convinced of the justice of the Sikh claims, and they promised to the Sikh community the same concessions which were granted to the Mussalmans in their minority Provinces. Now those concessions, Sir, the Sikhs interpreted as the same amount of representation, and, with that point of view, they have always urged that, as the Muslim minorities in various Provinces like Bihar and Orissa, where they form less than 11 per cent. of the population, have got a representation of about 16 per cent., on that basis the Sikhs were entitled to a representation of about 30 per cent. in the Punjab Legislative Council.

Then, Sir, the Punjab Government, as a matter of fact in 1918, while recommending certain figures for representation of the Sikh community in the Punjab Council, referred to the Sikhs in certain terms in their letter, No. 21,220, dated 23rd November, 1918, to the Government of India. They stated that the Sikhs' influential position in the Province, which is based partly on historical and political factors, partly on their military prestige, partly on their high educational level and economic importance in the Central and Colony districts, entitles them to a considerably greater degree of representation than is indicated by numbers alone; and then, later on, they suggested a representation of about 20 per cent. for the Sikhs.

Now, Sir, even that representation of 20 per cent., which was recommended by the Punjab Government, was not allowed to us. We represented our case here in England; I had the honour of being a member of that Sikh deputation; we saw the President of the joint Parliamentary Committee and the Secretary of State. We were assured that the Sikhs had a just grievance in being accorded inferior treatment, and in not being recognised on the same basis as the Muslim minorities were, while their importance was fully recognised; but they said that at the time of revision those claims would be fully considered. Now, Sir, the time for that revision has come, but now, instead of the just claims of the Sikhs being recognised, we have been asked, as shown by Government of India Despatches, not to insist on more representation, but that the Muslim community, which was satisfied under the Lucknow Pact, and which had a fair share of representation, ought to be given higher representation.

I do not grudge what the Muslims might get in Provinces where they are in a minority; I fully appreciate their point of view. But, Sir, we must realise that now we are going to have autonomous Provinces, Legislative Councils with much wider powers, the official bloc being removed. Under those circumstances it is the minority and the community like the Sikhs which has a great stake in the Province that requires to be protected and requires to have higher representation than it at present enjoys.

Sir Muhammad Shafi as a matter of fact gave a very cogent reason for the weightage and for the recognition of the Muslim minority in other Provinces. I quite appreciate those reasons, but I want him also to recognise the force of those very reasons with regard to a community which is not lacking in those qualities. The Sikhs have great historical importance. The part played by the Sikh community in defence is second to none. As a matter of fact during the war, when recruitment was open to all communities and to all classes, no community being debarred from being enlisted in the Army, the Sikhs supplied a proportion of recruits much higher than any other community in India. Being 11 per cent. of the population of the Punjab, they supplied 90,000 recruits, besides 30,000 in the Army at that time. That proportion comes to 13 per cent. of the total number of recruits throughout India; whereas the big Muslim community with 55 per cent. of the population in the Punjab supplied 25 per cent. of recruits to the Army. Over and above that, Sir, the Sikhs have a great stake in the country. They pay revenue to the extent of 25 per cent. Out of a total land revenue of Rs. 44 millions of the Punjab, the Sikhs pay Rs. 11,459,000. That comes to over 25 per cent. of the land revenue alone. But if you take into consideration the canal charges, because the Sikhs are greatly concentrated in the Colony districts, then their share of revenue and canal charges comes to as much as 40 per cent. Besides, they have got a large number of shrines with big landed estates, scattered throughout the Province. With such stakes in the Province, with such historical and economic importance, and with such a splendid record of service in the cause of the Empire, I beg of you to consider their claims and to give to the Sikhs the protection which is their due. Sir, I have taken up more time, but I cannot do full justice to the subject in ten minutes.

Chairman: Fifteen.

Sardar Ujjal Singh: Sir, one argument which was advanced was that the Muslim community wants to be in the same position of influence in some provinces as the Hindus are in six Provinces. I concede to them that they have a plausible claim to have the same position of influence over the Hindus. They have a plausible claim to have Sind separated on that ground; they have a claim for the North West Frontier; they may have a claim for Bengal. But the Sikhs are nowhere in a majority; they are only concentrated in the Punjab. Even if Muslims have 46 per cent. representation in the Punjab, they remain a majority over the Hindus, but not necessarily over the Sikhs and Hindus combined. The Sikhs do not want a position to rule or the position of being a majority in a Province, but to be in a position to make an effective appeal to another minority in case, which God forbid, the majority group should ill-treat them. We only want to be in that position. I beg of Muslim brethren to concede to us the same concessions and the same protection which they seek from the Hindu majority.

Sir, I believe we all realise that the situation in India is a very grave one, and that we must come to an understanding. We must follow that golden rule: Do unto others what you wish others to do unto you. Unless we tackle this problem in that spirit it will be impossible for us to arrive at any agreement. I beg of you majorities, the Hindu majority and the Muslim majority, to tackle this

problem in that spirit. I beg of the Muslim majority to concede the same protection and the same concessions to the Sikh minority which they are seeking for themselves from the Hindu majority. I beg of the Hindu majority not to sacrifice the interests of the Sikh community in their zeal for joint electorates. And I beg of the British delegates not to forsake a community which has always stood by the Empire in times of need.

Chairman: Now let us see where we are. I have two names on the paper in front of me: Mr. Sastri and Sir P. C. Mitter. I do not think we can finish to-night, so that we shall require to have another meeting, and the question is now this. I think you all agree with me that no profit is to be derived from a reiteration of claims. They have been put before us with extraordinary force by all the speakers who have represented communities. The problem that we have got to face is how these claims are to be met, and that is what we ought to concentrate our thoughts upon: separate electorates, numbered and divided between the various communities; joint electorates with reserved seats. But those who talk about reserved seats with joint electorates must remember that they are not at all avoiding the community problem. Then all sorts of other questions come up. But what we shall have to do is to bend our energies to see whether we can come to an agreed scheme. As to protection of minorities in a general way, I do not think you need bother about that, because I believe that it will be the full intention of the Parliament of this country, whatever form it may adopt, to strive its utmost to give protection to minorities. So that if you assume that, you can mention it, but you need not elaborate it. Assume that that is our intention and that the only problem is the practical problem of how to do it.

A declaration of rights has been mentioned. Well, there are declarations of rights in various constitutions, and I would beg my friends who are asking for a declaration of rights to study its effects in those places where minorities have been told to trust to the efficacy of a declaration of rights. I am closing my mind against nothing, but we would all be better if, sitting round this table, we would regard ourselves as co-operating members, studying things out in their details.

Supposing we have a meeting on Monday. I again beg of you to try in the interval to meet each other. I have begged my Sikh friends days and weeks ago to try and negotiate with the Mussalmans; I have begged the Mussalmans to try and negotiate with the Hindus. What we would like—and I think I am speaking for all the British representatives here—would be that we should not have to interfere in your affairs. There is a little bit of humiliation in it—just a little bit of humiliation in it, and if you could settle it amongst yourselves in the magnificent spirit which has been expressed by our friend over there, then that is the best kind of arrangement that could be come to. I think one other meeting will enable us to see whether you can agree amongst yourselves; and then, if you cannot agree amongst yourselves as to a scheme, we shall have to take into consideration all that you have said and all your points, and see how we are going to meet them as abundantly as we possibly can, and yet consistently with a self-governing constitution for India. And, do believe me, my friends, that that distinction is not a distinction merely of words; it is a distinction of substance, a very serious distinction of substance. You cannot have it, not only both ways but half-a-dozen ways, and perhaps a little conversation together at the week-end might help to clear those problems of substance out of the way.

Now I felt I had to say that, because to go on merely making claims, stating historical facts, and so on, is not going to help us a bit. As I say, I have the names of two speakers here. I am quite willing to take them before we adjourn to-night, or, if you prefer, I will take them on Monday.

(*The sub-Committee adjourned at* 11.10 *p.m.*)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. III (MINORITIES) HELD JANUARY 6TH, 1931, AT 3 P.M.

Chairman: I am sorry to say that I must leave as something has occurred to-day which demands my presence elsewhere. I am particularly sorry because we left this Committee at an interesting point the last time we met, when I threw out the suggestion that the chief communities, in any event, could meet and see if they could come to an agreement in the light and in the spirit of the later speeches at the last meeting. I understand that the Mussalman delegation is prepared to make a suggestion. Sir Muhammad Shafi does not wish to make a speech, but only just to make a brief announcement. If that were done, then we might proceed with our deliberations in the light of that announcement. I think if the view of the Hindu Mahasabha is given it ought to be given in such a way that it may be considered in that light, and if Sir Muhammad Shafi would make his statement and then allow the discussion to go on, I would hope that Dr. Moonje would say what he has got to say pretty early on, because it is no good going on merely debating and arguing. The question that is interesting those at this corner of the table is, can there be an agreement, can there be a settlement? If not, we shall have to consider the problem on the assumption that there will be no settlement. If there is a settlement, we will consider the problem on the assumption that there is to be a settlement.

I hope you will excuse me if I slip out. I am so sorry that I must leave. The Attorney General will take my place.

(*The Prime Minister here vacated the Chair, which was taken by Sir William Jowitt.*)

Sir Muhammad Shafi: Mr. Chairman, on behalf of the Mussalman group I desire in the first place to express our sincere appreciation of the patriotic spirit in which Sir Chimanlal Setalvad made certain suggestions in his speech the other day. We are convinced that what led him to deliver that speech and to make those proposals was a realisation of the fact, emphasised by me in my speech the other day, that without Hindu-Muslim settlement there is no hope of realising the aims we all have in view.

I will go at once to the point. My friend's suggestion, as I understood it, was that if guarantees are embodied in the constitution by a declaration of rights with regard to religion, education, social customs founded on religion and so on, if Sind is separated, if reforms are granted to the North West Frontier Province and if suitable formulæ are agreed upon with reference to the Cabinet and the Services, then he would appeal to us to come into joint electorates, with a reservation recognising our majority in the Punjab and Bengal either with or without Mr. Muhammad Ali's formula. That I understood to be the main proposal put forward by my friend. He appealed to us to come into joint electorates as a result of his deep-rooted conviction, and the conviction of some of his friends, that joint electorates were essential to the cause of nationalism in India.

Mr. Chairman, you are aware, and the other members of the Committee are aware that the Mussalman community in India have, ever since the 1st October 1906, when a deputation representative of the Mussalmans of India, headed by His Highness the Aga Khan, to Lord Minto insisted upon the

community being represented in the Legislatures of the country through their own separate electorates. You are aware that they have enjoyed that right for the last twenty years, that there have been pledges given to the community that that right will not be taken away from them without their consent, and that those pledges were recognised not only by the late Mr. Edwin Montagu and Lord Chelmsford in their joint Report but also have subsequently been recognised by the Simon Commission as well as by the Government of India. You are also aware that even now, although there has been some change of opinion in some small circles, the overwhelming majority of the Mussalman community in India insist upon the retention of separate electorates. In spite of all this, we, the Mussalman members of the delegation present here, in the interests of peace and good will between the two communities, and seeing that all schools of thought amongst the Hindus, in the Mahasabha as well as among the liberals, have at various stages during the discussions round this table appealed to us to accept joint electorates. We are prepared to face our community in India and to accept the joint electorates subject to certain conditions which have been accepted by Sir Chimanlal Setalvad in his speech and with one more condition about which he was not clear: firstly, that Mussalmans should have reservation, that they should retain the weightage which they at present enjoy in the minority Provinces. Both these points Sir Chimanlal Setalvad in express language conceded in his speech. He also conceded that if the Mussalmans insisted upon it they should have Mr. Muhammad Ali's formula, that formula being that before a candidate is declared elected he must have 40 per cent. of the votes of his own community plus five to ten per cent. (whatever may be agreed upon) of the votes of the other community. Sir Chimanlal Setalvad also in his speech declared that the Mussalman community in the Punjab and Bengal should have their right of majority. What I wish to add to these conditions is simply this. Sir Chimanlal Setalvad did not define that expression that the Mussalmans of the Punjab and Bengal should have their right of majority. The Mussalman community are prepared to accept joint electorates in deference to the wishes of the sister community and to the appeals that have been made to us, provided that the sister community is willing to concede through joint electorates to the Mussalmans of Bengal and the Punjab representation in the Legislative Councils on a population basis, in proportion to their population in those two Provinces.

It should be remembered what is the meaning of this great step which the Mussalman group present here at this Conference are taking in spite of their knowledge that at present an overwhelming majority of the community in India are in favour of separate electorates. What is the meaning of it? The meaning of it is this. Taken together with what I said in my speech the other day, our Hindu brethren will have a permanent and unalterable majority in the Central Government. They will have a permanent and unalterable majority in six out of the eight Governors' Provinces, and it is only in four Provinces, the remaining Provinces, that the Mussalmans will have a majority, in two—an unalterable and overwhelming majority, just as the Hindus have in six Provinces. Just think of the gesture which the Mussalmans have already made in the North West Frontier Province Committee. They have agreed to give to their Hindu and Sikh brethren a share in the Legislative Council, which is going to be created, three times the proportion of their proper proportion according to population, according to the Hindu and Sikh population of the North West Frontier Province. All that the Mussalmans ask is, as I said before, recognition of their right of majority in these four Provinces. In Bengal and the Punjab that majority is nominal, and in electing Mussalman representatives the Hindu community will have practically an equal voice with the Mussalman community in Bengal and the Punjab—that is to say, the representative elected to those two Councils will be elected by the joint vote of our communities.

Now, this is the offer, or rather the proposal, that I make on behalf of the Mussalman community. It is not a new proposal. My friend Sir Chimanlal Setalvad's proposal, although he put it forward that day—he knows it as well as we all do—was one which, at a much earlier stage of the negotiations between the two communities, was put forward by the Mussalmans themselves. Well, I repeat that offer again now at this meeting, and if all these statements made round this table, all these appeals made to us in the name of nationalism round this table, are appeals, as I believe them to be, which come from the hearts of the representatives of our sister community, there ought to be no difficulty whatsoever, for the sake of peace and in the interests of India, in accepting the proposal that I have made.

As I have said, the only security for the Mussalman minority, the only permanent security for the Mussalman minority and the only right solution of the Hindu-Mussalman problem, is the recognition of the just right of the Mussalmans in these four Provinces to their representation as majority in the minority of Provinces—in these four Provinces only—in the Legislative Council. That will be an automatic guarantee of good treatment. This is our irreducible minimum in so far as joint electorates are concerned. If our friends want joint electorates to come into existence this is our proposal; and we are ready to accept joint electorates on these conditions.

Sir Chimanlal Setalvad: May I correct one or two inaccuracies in the statement that Sir Muhammad Shafi made summarising my suggestions? In what I said, Sir, I did not convey that I approved of the scheme of Maulana Muhammad Ali. My appeal was to come into the joint electorate unadulterated, but those are the other alternatives which were before them. I personally am for unadulterated joint electorates. I am not sure that I have not understood Sir Muhammad Shafi correctly in intimating that he means also unadulterated joint electorates on the conditions that he has named.

Sir Muhammad Shafi: I repeated first your statement.

Sir Chimanlal Setalvad: It was not one but various alternatives, but my principle thing was joint electorates. Now when you are offering these conditions do I understand that they will be joint electorates in the ordinary sense?

Sir Muhammad Shafi: That is the proposal with the condition made by Maulana Muhammad Ali.

Sir Chimanlal Setalvad: Then Sir Muhammad Shafi's offer is not for joint electorates pure and simple, but it is joint electorates with the further condition of Maulana Muhammad Ali. Let us understand that. Secondly, I did not indicate with regard to Bengal and the Punjab any particular majority or number. My suggestion was to accept the Government of India figures, and that is what I said.

Sir Muhammad Shafi: May I say that so far as we are concerned we are prepared to accept joint electorates on the conditions named by me: firstly, that the rights at present enjoyed by the Mussalmans in the minority Provinces should be continued to them; that in the Punjab and in Bengal they should have two joint electorates and representation on a population basis; that there should be the principle of reservation of seats coupled with Maulana Muhammad Ali's condition. That is the position so far as we are concerned.

Dr. Moonje: Sir, before dealing with the statement which has just been made by my honourable friend, Sir Muhammad Shafi, I would like to say something on the statement that he previously made. I will promise that I am not going to raise any controversial debate. We have had enough of debates throughout. I am not going to indulge in any kind of rhetorical or sentimental appeal. I am going to place my case before you

in a matter-of-fact way and in the language of mathematics as to what the situation of the Hindus would be in India if the Muslim demands made by Sir Muhammad Shafi could be considered acceptable. This is absolutely a matter of fact, there is no sentimentality, and no controversial debate. I appeal to all to bring about a mentality such as the scientists have in the laboratory. I ask you to look at the facts in the way in which they appear without allowing your heart to supervene your reason. If I find afterwards that I have succeeded in convincing your reason, then perhaps I may feel that I have the right of appealing to your hearts, but unless I feel that I have convinced your reason I shall not appeal to your heart. I want to put before you for the consideration of the subject in a most scientific way two premises: one that has been propounded by the Mussalmans with the combined wisdom of all their leaders and espoused by Sir Muhammad Shafi, that is that "all legislatures in the country and other elected bodies should be reconstituted on the definite principle of adequate and effectual representation of minorities in every Province without reducing the majority in any Province to a minority or even equality." These are the principles with which I may not agree, but I assume for the sake of argument that they are correct. I am reading from the fourteen points of the Muslim demands.

Sir Muhammad Shafi: That is what I wanted to correct. Will you please read from the demand as embodied in the Resolution of the All-Indian Mussalman Conference which is reproduced in the second volume of the Simon Commission Report, and not from what has been called Mr. Jinnah's "fourteen points." Will you please read our demands as those embodied in the Resolution of the All-India Mussalman Conference presided over by His Highness the Aga Khan reproduced in the second volume of the Simon Commission Report?

Dr. Moonje: I do not want to mislead anybody, but for the last four years, from the time when this controversy began, these fourteen points were placed before us. Up to the moment when a settlement was provisionally arrived at, or I should say perhaps up to this moment, until Sir Muhammad Shafi made that suggestion, these were the fourteen points which were laid before us.

Sir Muhammad Shafi: I think that it is better not to refer to private negotiations.

Dr. Moonje: I am not referring to private negotiations. If this principle is to be taken as correct, then if anybody has any reason to make a demand for that kind of reservation it is Dr. Ambedkar. When I am speaking of Dr. Ambedkar and his community I have to hang down my head in shame. I remember the kind of legitimate grievances that he has against me. I have been doing as best I could, more particularly during the last five years, to remove those grievances. I have been seeing also as the result of all the propaganda, the ray of hope that a change is coming. As a sample perhaps of what is being done I may be allowed to quote the resolution that the Hindu Mahasabha passed in the matter of Dr. Ambedkar's community. "The Hindu Mahasabha declares that the so-called untouchables have equal rights with other Hindus to study in the public schools, to take water from public wells, and other sources of drinking water, to sit with others at public meetings," and so on. Having made this explanation and made my apologies to my friend Dr. Ambedkar I take the premise that he has made out. He rightly believes that these are all pious wishes and pious sentiments. He has now made up his mind to ask for complete partition, as he put it in his own language, from the Hindu society. Whether he is right or whether he is wrong his God in himself will dictate to him, but certainly I have no right to ask him to reconsider that point until I am prepared to treat him as I treat my own men. Therefore I leave that matter to him. For the sake of argument I take the premise that he has made that he wants complete partition from the Hindu community at the present moment. If these two premises are taken let us see what is going to happen. Let us take the population of British India first. The population of British India is composed of 25 per cent. Mussalmans.

Sir Muhammad Shafi: A little over 25 per cent.

Dr. Moonje: I will say 26 per cent. of Mussalmans, If that is going to satisfy my friend, Sir Muhammad Shafi, I have no objection. The Depressed Classes are 19 per cent.; Christians, Parsees, Sikhs, etc., are about 3 per cent. That comes to 47 per cent. Hindus are the remaining 53 per cent. If the communal demands are accepted now, because the Hindus form the majority community, and the majority community can afford to be generous, as appeals are made to the majority community and they are supposed to respond generously to the demands made by the minority communities, it will be something like this: the Mussalmans are demanding 33 per cent. The Depressed Classes are demanding more, about 26 per cent., but I have not yet agreed to consider even the weightage for the depressed classes. However, if the representation is on the basis of their population it comes to 19 per cent. Christians, Europeans, Sikhs, Parsees, etc., are about 5 per cent. and if they demand about 10 per cent. representation then it means that 65 per cent. of the representation is distributed to those communities which call themselves Minorities, and which make an appeal to the generosity of the community which is known as the majority community 62 per cent. or 65 per cent. having been thus doled out, what is there remaining? There is about 33 to 35 per cent. for the Hindus. The rule enunciated by Mr. Jinnah is that all Legislatures in the country and other elected bodies should be constituted on the definite principle of adequate and effectual representation of minorities in every Province without reducing the majority in any Province to a minority or even to an equality. I do not think that it could be said that this rule should not be made applicable to the Hindus; that it should be applicable to others, including even Mussalmans, but never under any circumstances should it be applicable to the Hindus. If that is so I have no argument to make.

Sir A. P. Patro: It is dealing with Provinces.

Dr. Moonje: I am dealing with the whole of British India first. I am coming to the Provinces next. If you will have a little patience I will get through it.

Sir A. P. Patro: We will have patience.

Dr. Moonje: If that rule is given effect to, and if the demands are responded to as I am asked to respond to them generously, then the majority community is reduced to insignificant minority, *i.e.*, 33 per cent., or one-third, or perhaps even less.

Let us see what happens in the Provinces. The two most controversial Provinces are Bengal and the Punjab. In Bengal Mussalmans are 54 per cent. or 55 per cent. The Depressed Classes are 25 per cent., Europeans, Christians and others, want about 10 per cent. I have taken the figures from the Simon Commission Report. They come to 89 per cent. The Hindus, although 18 per cent. in Bengal, get only 11 per cent. In the Punjab the Mussalman are 55 per cent.; the Depressed Classes are 13½ per cent.; the Sikhs are 11 per cent.; Christians, Europeans and others are about 1 per cent. With regard to the demand the Mussalmans want 55 per cent. The Depressed Classes are only 13½ per cent. I am not giving them any weightage. The Sikhs cannot do without their present weightage because otherwise they have just threatened us with civil war, and for the sake of argument I accept their

18 per cent. I am a poor, meek, docile, non-martial Hindu. Therefore the announcement of civil war caused a shock of fear in my heart. Therefore, suppose I am prepared to yield to him his 18 per cent. Supposing that Christians, Europeans and others require 5 per cent., then it comes to that the Hindus in the Punjab, although 19½ per cent., get only 8½ per cent.

Now let us go to the United Provinces. What do we find there? In the United Provinces, Muslims are 14 per cent.; the Depressed Classes are 26½ per cent.; Europeans, Christians and others are something which I have not been able to work out. With regard to representation; Mussalmans are at present getting 30 per cent. of representation and they want their present weightage to be retained. Mussalmans, although they are 14 per cent. in the United Provinces, are getting 30 per cent. at the present moment, and they want that weightage retained. The Depressed Classes, poor men, are 26 per cent. They want weightage, but I am not prepared to grant it to them at the present moment. The Depressed Classes according to their population basis are 26½ per cent. I do not know what is the numerical proportion of Europeans, Christians and others. I do not know whether it will be considered satisfactory to grant them say 5 per cent. for the sake of argument. It comes to 61 per cent. The Hindus in the United Provinces, although 59 per cent., get only 39 per cent.

Sir Muhammad Shafi: May I ask one question for the purpose of elucidation? Dr. Moonje has been speaking of Depressed Classes and Hindus as if these were two separate sections. Will Dr. Moonje tell me whether he regards the Depressed Classes as Hindus or not?

Dr. Moonje: It is not a question of my regarding the Depressed Classes as Hindus. It is the Depressed Classes who should regard whether they are Hindus or not. I regard Mussalmans as Hindus of Hindusthan myself. After all they are my own kith and kin and of my own blood. I do not become a Pathan or I do not become an Arab because a Pathan or an Arab Priest has converted me to Islam. You are Hindus all the same, but it is your look out whether you are prepared to own yourselves as Hindus of Hindusthan or not. In the same way it is for Dr. Ambedkar to say whether he is prepared to own himself a Hindu. He has made a statement that he wants a complete partition from the Hindus and, therefore, I said at the beginning that I am starting on two premises as a scientist goes into a laboratory. If those two premises are correct then you see the situation from those figures before you. If those figures prove anything they tell the tale that your own principle does not stand.

Let us now see how the situation lies in Bihar. In Bihar and Orissa the Mussalmans are 11 per cent. and they are getting 18 per cent. My friend, Sir Muhammad Shafi, with great exultation said: "In the North West Province look at how generous we are. We are giving three times more representation to the Hindus than their population entitles them to." I wonder if that calculation can come up to my calculation of generosity. In my Province the Mussalmans are hardly 3½ per cent. or 4 per cent., and I am giving them 15 per cent., or four times more. In Bihar and Orissa Mussalmans are 11 per cent., Depressed Classes 14½ per cent., and Christians, Anglo-Indians and Europeans may be about 3 per cent. The Mussalmans are demanding 18½ per cent.

Sardar Ujjal Singh: 25.

Dr. Moonje: My figures may be corrected. I have put down 18½ per cent. Until I see it, I cannot correct it on the spur of the moment. It can be corrected afterwards if I am wrong. The Mussalmans are 11 per cent. and they are getting 18½ per cent.; the Depressed Classes are 14½ per cent., and of course they want 14½ per cent.

Dr. Ambedkar: No, more than that.

Dr. Moonje: Christians, Anglo-Indians, Europeans, etc., want about 18½ per cent.; total 54 per cent. The Hindus, though 68 per cent., get only 46 per cent. Now I come to Madras; in Madras the Mussalmans are 6½ per cent., but are getting at the present moment 15 per cent. The Christians are about 3 per cent., and according to my calculation they are at present getting 6 per cent. In Madras the Depressed Classes are 15½ per cent. They want 22 per cent. according to their own calculations. The Europeans, etc., want about 10 per cent. It totals 53 per cent. The Hindus though 72 per cent., get only 51 per cent. It must be noticed in the case of Madras that at least in that Province there ought not to be any communal question, because fortunately they have a political party called the Justice Party, of which Christians, non-Brahmins, Hindus, Mussalmans and others can become members on a political basis, and as between members of the party I am assured that they do not make any discrimination on the point of their religion when setting up fit candidates for the election. Therefore, if my information is correct, I do not think there ought to be any kind of communal consideration or communal representation in the Province of Madras.

Now look at the Bombay Presidency. In the Bombay Presidency the Mussalmans are 20 per cent.; they are getting at the present moment 25 per cent.; which they want to retain.

A Member: 30 per cent.

Dr. Moonje: 30 per cent. I have made a mistake. Thank you. The Depressed Classes who are about 8 per cent. want 12 per cent. Christian Europeans, etc., want 19 per cent. That comes to 57 per cent. The Hindus are 69 per cent. and get only 43 per cent.

Such will likely be the situation in all the Provinces. That will be the position of the Hindus if this appeal for generosity is responded to. I hope my friends here belonging to any party, or belonging to any section of this Conference, do not hope that in response to the appeal for generosity the Hindus should submerge themselves to such an extent that they may be practically extinct from the political life of India. I do not think anybody would be justified in making that kind of appeal.

Now I come to the statement Sir Muhammad Shafi made just now. He has been careful enough to say that separate electorates are their privileged rights, and, though there has been some change of opinion, still the vast and overwhelming majority of people among the Mussalmans claim their privileged right of separate electorates. It is a very auspicious sign that, after having seen the effects of separate electorates for the last 25 years, there has been a change of opinion amongst the Mussulmans themselves. If my information is correct, and that information has been conveyed to me by no less a person than Sir Tej Bahadur Sapru, such leading and responsible men as Sir Ali Imam, who was a member of the Executive Council of the Viceroy, and the Raja of Mahmudabad, who was Home Member in the United Provinces Government, and several others equally important and equally influential, have sent a wire to Sir Tej Bahadur Sapru saying that if this Conference is carried away to the extent of accepting separate electorates, separate electorates will be repudiated and denounced in India by the Mussalmans. That is my information.

A Member: It is wrong.

Dr. Moonje: It may be wrong. You can have it corrected. That is my information. But, anyhow, Sir Muhammad Shafi himself admits that there has been a change of opinion in spite of these things, and if that change of opinion had not been in influential quarters, I do not think Sir Muhammad Shafi would have taken the trouble of mentioning

that fact on the floor of this House. Sir Muhammad Shafi has referred complainingly to what I have said about leaving Muslims alone in my speeches in the Hindu Mahasabha. I have said: Leave the Mussalmans alone for some time; they will themselves think it out and find that separate electorates are no panacea for them, separate electorates are no protection for them, separate electorates are no heaven for them; they will find that themselves. It is therefore that I have been appealing to my friends to leave the Mussalmans severely alone for some time. One of my friends, the Nawab of Chhitari, really responded to my appeal when he said, in response to the imploring appeal of Sir Chimanlal Setalvad: The more you press me and the more you press the Mussalmans to accept joint electorates, the more we feel there is something behind your minds and the more we become insistent on separate electorates. I knew it. This is human nature and I know human nature. I have studied human nature in all its aspects, in the course of my political life and in my own profession. It was this knowledge of human nature that made me give a warning to my Hindu friends: Leave the Mussalmans severely alone for some time and they will themselves see the futility and the evil of separate electorates, they will themselves come round and say: No, we prosper much better under joint electorates than under separate electorates.

Then Sir Muhammad Shafi referred to certain settlements at which we had arrived, but those settlements were arrived at under assumptions which are non-existing now. On their own merits however I have no right to try to get away from what I have said and admitted in the statement of the Hindu Mahasabha circulated amongst members. I have absolutely no objection to accepting certain suitable formulae in the case of recruitment to the Services and in the case of formation of Cabinets. Nobody can say that, because the Hindus form the majority community, therefore the Hindus should have the monopoly of public services; nobody is prepared to say that. Nobody has said that because the Hindus formed the majority community, therefore all the Cabinets in all the Provinces must be Hindu Cabinets, and there must be no Muslims, no Christians, and no Parsees. Nothing of the kind has been said. As a matter of fact I may give an illustration as to how the Mussalmans will receive real protection under joint electorates. I can give that illustration from my own Province. In my own Province the Mussalmans are hardly 4 per cent., and in a Legislative Council of 74 members there are hardly 7 Mussalmans. My friend will be glad to learn that one Mussalman friend of mine has been elected a Deputy President of the Council, defeating a Hindu candidate. There are hardly seven Mussalmans is that Council of 74 members, but simply because they happen to be friends, and to feel for one another in a friendly way from the political point of view, he has been elected.

A Member: Does he belong to the Hindu Mahasabha?

Dr. Moonje: One Mussalman has been elected Deputy President. There was about 2 months ago a General election for the Legislative Council of Nagpur. The overwhelming majority of voters are Hindus, but a Parsee friend of mine, simply because he happens to have the same politics as they have, has been elected a member, defeating Hindus. For 12 years our representative in the old Imperial Council was a Parsee, Sir M. B. Dadabhoy. I supported him and got him elected as opposed to Hindus and my own relations. Parsees in the whole of India are a drop in the ocean if their population strength is to be considered; but Parsees in the public life of India, on the strength of their merit and competency, bulk large in the public eye. We Hindus, and I trust also the Mussalmans, have never grudged the position that the Parsee community has acquired by virtue of its own merit and capacity for work.

I wonder if I should here refer to one point of which much is being made: the so-called historical and political importance of the Muslim community. I am not yet sure whether I should refer to it. If there is no misunderstanding on that point in the minds of those who have studied the history of India for the last 700 years, I need not refer to it. I think it should be enough to say that —as I am mentally constituted—I feel that in the public administration of the country, no community, whether it is small or whether it is large, has any special importance of its own. They are all equal before the law; they are all of equal importance for the public administration of the country; and everything in that public administration should be open equally to all on the basis of merit. If any discrimination however is to be made on the basis of political and historical importance, I do not think in a Province like the Punjab anybody could say that that community consisting of a handful of people called the Sikhs is inferior to anyone in its record in the history of India. They have thus both a special historical and political importance. I am not speaking of my own community, because the Mahrattas have been absolutely blotted out from the face of history. For that reason I am not speaking of the Mahrattas, but at least the facts of history are known with regard to the Mahrattas and the Sikh community. The Sikhs stand to make their special claim if any special importance is to be given to political and historical antecedents in the matter of distribution of representation. The Sikh community says it cannot be forgotten and nobody should forget it. The Muslims are no other than the Hindus converted to Islam and they cannot historically lay claim to belong to the past foreign Muslim Rulers of India.

As regards the share that is to be taken for the defence of India by the several communities, it is said that when power has been transferred, Dominion Status has been conferred and India becomes a self-governing country, responsibility for defence will have to be taken to the extent of more than 50 per cent. of our Mussalman friends. I am so glad to be assured that responsibility for defence will be undertaken to the extent of more than 50 per cent. by the Mussalmans alone of India. I am so glad to hear that. But there are also other communities which are inherently capable of undertaking responsibility for the defence of India. If you look to the history of British rule and British sovereignty in India from its inception up to the time when the whole Indian Empire came into the hands of the British, you will find that the British people came to Madras, recruited their armies from the people of Madras, conquered Madras and the country surrounding Madras. When this surrounding country was conquered, then this army went to a neighbouring Province, and, the British, with the help of the Madras soldiery, conquered the neighbouring Province. When the neighbouring Province was conquered, soldiers were recruited in that neighbouring Province, and the Province next to that was conquered with the help of those soldiers. In that way it went on in mathematical progression as far as the North West Frontier Province. When they came to the North West Frontier Province, they found there a fair field and a large field for recruitment; there was the whole of the tribal territory, the whole North West Frontier Province, which constituted a field for the recruitment of their army. They then forgot their old friends the Madrasis, their old friends the Telugus, their old friends the Beharis, their old friends the Depressed Classes, who contributed largely to the success of the British arms in India. Of course we Mahrattas could not lay claim to that because we were ourselves fighting the English people in those days. But at least this is true, that if the recruitment is to be made throughout India, there are communities in India which can offer you soldiers, which can offer you fit people for recruitment in

the army. Therefore, though I am very thankful to my honourable friend Sir Muhammad Shafi for saying that when Swaraj is obtained they will contribute 50 per cent. for the defence of India, there are other communities which will fight side by side with them as Indians of India for the defence of their country and their Motherland.

Appeals are made to me for settlement and amicable agreement. I have tried my best to reach such an agreement and I cannot understand why I have not been able to induce a mentality of compromise, as I thought I should be able to do. I looked into the Despatch of the Government of India more carefully afterwards; I studied the Government of India Despatch, and I found that so long as human nature is what it is, and so long as the Government of India Despatch is as it is, it is impossible to come to a compromise, it is impossible to evidence a mentality of compromise. It was the British Government which introduced the pernicious system of separatism by giving separate electorates to the Mussalmans 25 years ago. The whole of India was protesting at the time against separate electorates, and yet Lord Minto admitted in his speech, which is quoted in the Simon Commission's Report, that this is a valuable privilege of the Mussalmans, and without separate electorates the Mussalmans will not be able to take their due share in the public administration of the country. As against the protest of the whole of India that right of separate electorates was granted to the Mussalmans by the British.

Then in 1916 the Muslim League and the Congress sat down together. Of course, I was a younger man in those days and I had not much voice in the party to which I belonged. My elders were there; some of those elders are present here. Though I was even then against separate electorates, of course my voice was drowned in the voice of my leaders, and the argument that prevailed was: Government has given them separate electorates; why not make a virtue of necessity, agree to it and make friends with the Mussalmans. It is only a question of a temporary period of 10 years. There is no use creating bitterness by refusing something which has already been granted to them by the Government. And we said: If it is to bring friendship and amicable settlements, all right, we agree. We hope it will be a temporary thing, and after they have seen how it works, they will be prepared to give up their separate electorates. When this occasion arose, and the whole constitution of India is now in the melting-pot, we thought that at least now, the Government of India having seen the faults and the evils during the last 25 years of the working of the separate electorates, would reconsider their position. And if not, and if, arising out of the promise which they have given to them, by which they think they ought to stand, they do not propose to do so, they should at least take the precaution, as the Simon Commission did, of saying: In the event of there being no agreement and no new pact between the Hindus and Mussalmans, the old pact must stand as it is, and must not be excluded. The Government of India however did not stop at that; they went further and gave away practically all the points that the Mussalmans are demanding to-day.

I am therefore working under a great handicap and I can illustrate my handicap by giving a little homely illustration.

Two brothers are fighting for the division of their ancestral property. They went into litigation, the first court, the second court, the third court, the fourth court and finally they came up to the highest court, the High Court of Justice, and before the High Court Judge the two brothers came for the fair partition of what they call their ancestral property, and the High Court Judge says, "You are two sons of the same father and mother. Some land of yours, your whole property, is to be divided. If you do not come to an agreement it will all go into the hands of the barristers and solicitors who are working on each side. Therefore, my advice to you two brothers is, compromise. Come to a compromise. If you do so your property will be safe, but if unfortunately you do not compromise, if unfortunately you do not come to an agreement, then I say I shall give a decree in favour of the younger brother." That is what the Government of India's Despatch means, and under that Despatch could you think, with human nature as it is, that that younger brother could be induced to come into the mentality of compromise for an amicable settlement? When I saw this, I thought "If an agreement, if an amicable settlement is not possible, then let us take it to arbitration. Let us appoint an arbitrator, and whatever decision that arbitrator gives we shall accept." At one stage of these negotiations a suggestion was made, but not accepted by the other side—the suggestion that an arbitrator could be appointed and that his arbitration should be accepted; but it was not acceptable to the other side. Then my friends from Bengal came with an offer, and they suggested that His Highness the Aga Khan should arbitrate in the case of Bengal. I suggested, let Mahatma Gandhi be appointed to arbitrate for the whole of India. If His Highness the Aga Khan's arbitration is acceptable to the Hindus, I think Mahatma Gandhi's arbitration must be acceptable for the whole of India. I shall lay my case before Mahatma Gandhi. I believe it to be right. I may be wrong, but so long as I believe it to be right I say that if no amicable settlement is possible let us place our case before Mahatma Gandhi, the greatest living man that the world has produced at the present moment. Place the case before him for his arbitration, and accept whatever decision he gives. Besides, there are experts like Prof. Gilbert Murray who have made a special study of the problem of minorities of Europe. They can be consulted.

Now I think I must close, because I do not want to take much of your time. My friend Sir Muhammad Shafi closed his speech by making an appeal to His Majesty's Government and to the members of the British Delegations. In his appeal Sir Muhammad Shafi said, "Any declaration of policy to be made by His Majesty's Government, or by the representatives of the three great British parties with regard to the constitutional evolution of India must include a declaration with regard to safeguarding the interests of the minorities and of the Muslim community, otherwise it will not be acceptable." I do not read this language, I do not interpret this language, as a lawyer would interpret it or as a man given to analysis of mind would interpret it. If I were to go in for that hair-splitting interpretation I would be prepared to make a different meaning altogether, but I understand what the intention was which actuated my friend Sir Muhammad Shafi in making his appeal. I would therefore make a similar appeal in practically the same spirit. I would therefore make the same appeal to the British Government and to the members of the British Delegations. But I would make it in the words of His Highness the Aga Khan. He has said: "If we eliminate all differences there is one point on which there is complete unanimity. We all ask for a full measure of self-government. We ask you to promise us the framework. If the picture that we are to paint on it is unsatisfactory to any of the important minorities we will try again. If we fail we will try again, and we will continue to try till we produce something that will be generally satisfactory." I make that appeal, and I say that in making our attempt let us try the arbitration of no lesser man than Mahatma Gandhi. We can have assistance from experts like Professor Gilbert Murray, who have studied the problem for a long time, and let us not say that because to-day and at this moment we cannot come to an amicable settlement therefore the future of India should be hung up. That is not what I mean to say nor what any Indian should say. That

is not what I hope the British Government will do. That is not what I hope the members of the British Delegations will pay their heed to.

I have now to complete my statement. If any further reply on the points raised is needed there is the statement of the Hindu Mahasabha, which has given a full reply to all the points raised by Sir Muhammad Shafi. I place it on the table of this House so that it may be incorporated in the proceedings, and the world and the British Delegations will judge the whole demands made by the Mussalmans, on the one side, and the replies given by the Hindus on the other side, and they will judge for themselves and find out where truth lies and where justice and equity lie very quickly.

Sir Muhammad Shafi: Do I understand that the proposal made by me on behalf of the Mussalmans on the basis of a joint electorate is not accepted by Dr. Moonje?

Chairman: Would you answer that, Dr. Moonje?

Dr. Moonje: Would you please repeat the question?

Sir Muhammad Shafi: Am I to understand that the proposal made by me to-day on behalf of the Mussalman community on the basis of joint electorates is not accepted by you?

Dr. Moonje: Does your proposal include my acceptance of the principle of giving a statutory majority to a community wherever it is a majority?

Sir Muhammad Shafi: The proposal as made, whatever it includes. The proposal as made—do you accept it or do you not accept it? We have other proposals. Tell us, do you accept it or do you not? That is the question.

Dr. Moonje: I have taken notes of your proposal.

Sir Muhammad Shafi: I will repeat it if you like, if you want me to.

Dr. Moonje: Yes.

Sir Muhammad Shafi: That we are willing to accept joint electorates and give up our right of separate electorates if our representation on the population basis in Bengal and the Punjab in the whole House is agreed to, and the weightage in the minority Provinces is given to us by means of Muhammad Ali's formula.

Dr. Moonje: I will give you a clear and definite reply. For compromise I am prepared to accept under joint electorates a system of suitable weightages in the Provinces where the Mussalmans and others are in the minority. That is a clear and definite reply. I am not prepared to agree to give any statutory protection to a community which is in a majority in any Province.

Sir Muhammad Shafi: It is not a question of statutory protection.

Chairman: Listen to the answer.

Dr. Moonje: Let me give the completion of my answer in my own way. I have no objection to the Mussalmans in Bengal and the Punjab, being numerically superior, getting their majority. My objection is to guaranteeing them a majority by statute. That is my objection. To a system of suitable weightage under joint electorates for protection to the minority in the Provinces I have no objection.

Now, as to your proposal about Muhammad Ali's scheme, of course, I have not studied it very carefully, but I said at the time when Muhammad Ali's scheme was brought to my notice that it is no scheme other than separatism, because you could not, unless you register separately, unless you vote separately, say whether a candidate has received 40 per cent. of this community's votes or 10 per cent., or 30 per cent. of that community's votes. It is not joint electorate; it is separate electorate. Therefore I have said from the beginning that Muhammad Ali's scheme is one which I can never approve.

Sir Muhammad Shafi: Then there is one point which it is necessary to make clear. Dr. Moonje has been talking of the protection of minorities. I have not asked for any protection. He has been talking of majorities. There is no question of any majority. My question was "Is Dr. Moonje prepared to concede to the Mussalmans in Bengal and the Punjab through joint electorates representation on a population basis?" That is my question. It is a question that can be easily answered.

Dr. Moonje: I have already replied to that question I cannot agree.

Sir Muhammad Shafi: Then our proposal is rejected.

Diwan Bahadur Ramachandra Rao: After all, there are other members of the Hindu community who have other views, and I do not think it is fair to say that your proposal is definitely rejected by the Hindus.

Sir Muhammad Shafi: I only said Dr. Moonje refused it.

Sardar Ujjal Singh: I doubt if Dr. Moonje can speak on behalf of the Punjab.

Mr. Chintamani: I am a Hindu, but I am not here to speak as a Hindu, much less as a representative of any organisation of the Hindu community. I follow Dr. Moonje in the order of speakers, but I do not follow him in many of his opinions. The spirit that informs me is the same as that by which the speech of my friend Sir Chimanlal Setalvad was informed the other night, and I speak as a member of a non-communal party viewing the question from the point of view of India and Indians, and not from the point of view of any smaller territory or any smaller body of men. If in the observations which I am going to make I shall utter one single word which may appear to any fair-minded man to be communal in spirit and to be partisan in its nature, I shall not easily forgive myself.

Looking at the whole question from this point of view, I can but express my feeling of great pain that the proceedings of this Committee should have brought to the surface such a large quantity of difference of opinion among Indians belonging to different sections as we have unfortunately had to witness. Sir, the title of this Committee is the Minorities Committee. It is the duty of every member, as I see it, to look at the problem from the point of view of minorities of whatever community those minorities may be made up, and not with the eyes of Hindu, or Muslim, or Sikh, or any other denomination.

Now, Sir, in considering what part of the community forms a minority and what does not, we have to take two units, one India as a whole and the other each Province by itself. If we take India as a whole, undoubtedly as compared with the Hindus the Muhammadans and other communities do form minority communities, and therefore it becomes the duty of this Sub-Committee to consider in what manner and to what extent provision should be made in the constitution for so safeguarding their legitimate rights and privileges as to induce in them a sense of security and confidence. In this behalf the proposal has been made on behalf of the Muslim community that their representation in the Federal Legislature should be a third of the total strength of that Legislature. Subject to any adjustments and variations that a detailed study of the composition of the Legislature may necessitate, I have no hesitation in conceding this claim of theirs, that as a minority, and the largest and most important minority in the country, they should have one-third of the seats in the Central Legislature.

Now, Sir, when we come to the Provinces it so happens that it is not the same community which is a minority community in every Province, and unfortunately, it is further the fact that at least in one Province there are two minorities, neither of which is small but both of which are important in respect of numbers, and therefore both of which have to be recognised and satisfied. In six out of the eight Indian Provinces, excluding Burma—I say excluding Burma, not because I take it for granted that Burma shall be separated, but because Burma does not enter into our calculations for the purpose of the present discussion—in six out of the eight Indian Provinces, I say, the Muslim community does form the most important of the minorities. Therefore there has been safeguarding of Muslim interests in two forms, first by means of a separate electorate of Muslims only, and secondly, by the grant to them of a quantum of representation in the Legislature decidedly in excess of what their numerical proportion in the population entitles them to. I take it that this part of the community problem is not very seriously under discussion at the present moment, because not even in the speech of Dr. Moonje has the question been raised whether the weightage given to the Mussalmans where they form a minority should be withdrawn; on the contrary, he has answered Sir Muhammad Shafi's question in the affirmative—that is to say, he agrees to their retaining the weightage advantage that they have been given under the Lucknow scheme of 1916.

Dr. Moonje: In the Provinces.

Mr. Chintamani: Yes, turning to the Punjab and Bengal, their cases are different from the cases of other Provinces. We have to consider what arrangement is most convenient for the country as a whole, and not only for those Provinces. It is the duty of the Minorities Sub-Committee and of the Federal Relations Committee to consider the question of the minorities, and of statutory provision for the safe-guarding of their interests in order that they may feel a sense of security. We have got to consider the question of how to safeguard the interests of the minorities in these two Provinces, and not what we are to do for the majorities in those Provinces. This is no more a case before us than the question of the majorities in the 6 other Provinces. Now, Sir, you have to take steps to safeguard the interests of any community, only when that community asks for safeguards. Do the Hindu minority of Bengal, and the Hindu and Sikh minorities of the Punjab, ask for measures such as separate electorates or reserved seats or weightage? If they do ask for it, I am sincerely sorry for them. If they do not ask for it, it is not our business to go out of our way to give them measures of protection which they themselves do not deem to be necessary. They come on the scene not because they have got up and demanded measures of special protection, but because the community which is the majority in those two Provinces asks for both separate electorates and guaranteed representation, which affects their own interests.

Now, Sir, taking the Punjab, Sir Muhammad Shafi has very clearly enunciated a proposition on behalf of those for whom he has spoken. His claim is that in the Punjab, on the basis of a joint electorate, there should be a statutory recognition of the majority position of the Muslim community: The statute should guarantee to the Muslim community in the Punjab representation corresponding to their proportion of the population. Leaving aside the merits and the drawbacks of this proposal in the abstract and in theory, let us consider whether it is practicable for this claim to be accepted by this Committee without at the same time doing violence to the principle of safeguarding minority interests which is the basis of our entire discussion. If in the Punjab 54 or 56 per cent. of the seats in the Legislature is by statute guaranteed to one community, and if then you take the case of the Sikhs, if you do not improve their position you must at least see that it does not grow worse than it is under the present constitution. Therefore you have to give them about 18 per cent. If then you make provision for the representation of the Depressed Classes, the Indian Christians, the Anglo-Indians, and the Europeans, none of whom you can justly ignore, and none of whom will allow you to ignore them, then what is left for the other minority, the Hindus minus the Depressed Classes? Is it any part of any scheme of minority protection in any of the modern constitutions which have been adopted since the war, with the consent of England as a member of the League of Nations not less than of any other Power, to make statutory provision for the majority representation of the majority community, and is that the form which the safeguarding of minority interests can in reason take? This is a question which those who are not obsessed by partisan considerations are bound to consider. They may belong to the same religious creed as one of the parties to the controversy, but there are here the members of the British Delegations who do not labour under the disadvantage under which we here labour of being Hindus as a community and of the same religious persuasion. It is up to them to consider whether they can seriously defend to themselves and to their Parliament any proposals which so far depart from every known and accepted principle of minority protection as to give a legislative guarantee to the majority, and leave one or the other or both of the most important of the minorities in a position of greater disadvantage than their numbers in the population have placed them in. I will not attempt an answer to the question. I will not make the attempt, not because I consider myself wholly incapable of making it, but because, as I have said, I labour under the disadvantage of belonging to the same religious persuasion as at least one of the parties to the controversy. Therefore I leave the question which I have propounded to the impartial consideration of the third party who are neither Hindus nor Muslims.

I come now to the question of separate electorates. Sir Muhammad Shafi did me the honour the other day of referring to certain observations made by me in my evidence before the Indian Reforms Enquiry Committee of 1924. To the best of my recollection I then stated that our experience of the working of the United Provinces Legislative Council between the year 1921 and the year 1924 had not brought to the surface any serious disadvantage in the retention of separate Muslim electorates, and that there was only one occasion when the Council frankly divided itself on communal lines. That was on the question of the quantum of Muslim representation on the District Boards of the United Provinces. Sir Muhammad Shafi further mentioned that I shared full responsibility for the introduction of separate electorates into the elections for the District Boards of the United Provinces. That is the absolute truth. The position in which my colleague who was in charge of the Bill and myself then were, was that separate electorates were in being, not only for the Legislative Council, but also for the municipalities in the United Provinces, and that before the new Government came into being in 1921 a Committee of the Legislature of the previous Government under the Lieutenant-Governor had put forward an agreed scheme of Muslim representation, from which my colleagues and I did not see reason to dissent. I will now speak on the question of separate electorates with a full sense of my responsibility for the position which I took in 1922 and 1924, but in the light of the larger knowledge of the working of the system which the subsequent years down to date have enabled me to acquire. I am of opinion that separate electorates have had a very prejudicial effect on the working of the Legislature, in that a premium has been placed upon communal over-zeal, and candidates both Hindu and Muhammadan who wanted to adopt the exclusively national, and not the lower communal, point of view have been seriously handicapped in giving effect to their national outlook.

As no Hindu candidate need get a single Muslim vote, and as no Muslim candidate has to get a single Hindu vote, but the contest is between Hindu and Hindu, and between Muslim and Muslim, the tendency has been (I am now speaking merely of actual facts as I have observed them) for that candidate who puts himself forward as the more zealous advocate of his own community's interests to be at a decided advantage as compared with another who speaks for the more intangible nation as a whole. Once they are in the Legislature those who wish to seek re-election constantly see that. It is no fault of theirs if they think so. If the members of His Majesty's Government and of His Majesty's Opposition here were in the identical position they would think so too. They are constantly obliged to think what their own constituency is likely to think of their vote on a particular question when next they go before the constituency. If they adopt the less communal and more broad-minded national point of view they might suffer by the side of the other candidate in the constituency. These are the effects, and I wish with all my heart that this system of separate electorates should be done away with, if at all possible. I would explain my meaning in employing the phrase, "if at all possible." The abolition of separate electorates, and the substitution therefore of joint electorates, is so great a national advantage that the advocates of this change may in justice be called upon to pay a price for that change, and thereby show their sense in its value. Therefore I for one am prepared to consider that it is a very legitimate claim which those who enjoy separate electorates now make when they say that they should get some *quid pro quo* for the abandonment of separate electorates. Having admitted this I would hasten to add that it is our duty further to consider whether the price that we pay is too much. That is not in a bargaining sense but in the sense that the price that we pay may be so prejudicial to general national interests that after all it may be a smaller evil to put up with separate electorates than to bring about their abolition by expedients which in the working of the administration may be harmful, detrimental, and embarrassing at nearly every turn. If, therefore, the abandonment of separate electorates can be brought about only by a statutory recognition of a majority community being entitled to the majority of seats in the Legislature, leaving the minorities in a position of greater disadvantage than they already occupy, I for one shall be prepared to think that it may be a smaller evil to let the *status quo* continue than to bring about the abandonment of separate electorates at so excessive a cost. The whole point is that we want the abandonment of separate electorates, not as a source of new friction, but in order to make the relations between the communities smoother and more friendly than they have been. If that abolition, however, can be brought about only by our incurring serious displeasure or by producing serious distrust in the mind of one community, and if thereafter the new constitution will have to start its work in an atmosphere, not of mutual confidence, but in an atmosphere where the communities will be warring with each other metaphorically, then I think that it is a reform which will lose much of its practical value. One consideration which weighs with me is that it does not matter what the solution of this problem may be so long as the end is not lost sight of. It does not matter whether it conforms in every particular or in many particulars with the theoretical perfection of constitutions, or whether it deviates from theoretical considerations. What we have to do is to reach a settlement, whether by consent or by the responsible Government, which will minimise misunderstandings, which will minimise possible chances of friction, and which will increase the chances of friendly co-operation between the members of the different communities in working the new constitution. Here I am content to leave the case in the hands of those with whom the decision rests.

The representatives of other minorities have laid their case fully before this sub-Committee. It is a great advantage to us in this sub-Committee that we have as its head no less a man than the Prime Minister himself, a Prime Minister who more than many other prominent men in England has distinguished himself by his very sincere and sympathetic interest in Indian affairs for a whole generation. He has heard the case presented by the spokesmen of every section and of every group. If he thinks that anything like an agreed decision by the sub-Committee is likely I think that we can go further in these discussions. If, on the contrary, the various statements that have been made tend to show that any decisions, except group decisions, are unlikely in this sub-Committee, it will be not only not to prolong pain, but to gain time, and also to bring some ease to our oppressed hearts to conclude the discussion with these general speeches, with the regrettable thought that we have not arrived at an agreement amongst ourselves, but that there is no advantage in continuing the discussions, and that, in the light of the various opinions expressed, the responsible Government might take what they think to be an equitable decision. In that decision they will be justified in bearing in mind that it is always the duty of a majority, not merely to be arithmetically just, but to be generous to a minority community. The majority community should deem it a privilege and good fortune to be able to surrender something in favour of a minority in order to win the confidence of that minority. That is the duty of the majority community. It is also the duty of the minority community, whether it be the Hindus or the Sikhs in some provinces, or the Muhammadans in other provinces, to remember that a minority will have to remain a minority and cannot hope to become a majority. A minority can ask to be saved from oppressive rule by a majority. A minority can ask for a just recognition of minority rights, but it cannot seek to supplant the majority and act as if it were the majority. These are two propositions which either community has always to bear in mind. If any decision taken by His Majesty's Government should give effect to this view, namely, that it is the part of the majority to be generous, and to make a concession, I as a member of the majority community in India shall not only feel no sense of grievance, but I shall feel that he to whom I have entrusted my fortunes and my fate has interpreted my mind most correctly. I feel the less hesitation in making this suggesion that we may conclude this general discussion without going further into details here and leave the matter to the decision of His Majesty's Government. After all the principal problem in connection with the community question which has been troubling us, namely the problem of communal representation by means of separate electorates, is the creation of the British Government. If the British Government who created the problem are asked also to find a solution for it I do not feel any sense of humiliation or of injustice or injury. In other countries where there have been similar problems the different communities concerned have met many times, they have had many conferences and conventions, and they have ultimately failed to reach an agreement. In the end a decision had to be taken by those who were responsible. That seems to me to be the position here. It may be regretted, but it has to be recognised. No one need feel a sense of humiliation that history has repeated itself in our case.

In conclusion I would only ask that these differences may not stand in the way of the achievement of the essential purpose of this Round Table Conference, namely, the satisfaction of the political self-respect of the people of India by the conferment upon them of the right of self-government. The problem is for the Government. Let it be solved, but I do hope and trust and pray that this may not be regarded as an obstacle in the way of the achievement of that for which we are all here.

Chairman: I have two names in front of me. The gist of the discussion this afternoon has been reported to me. I think that you will all agree that the discussion this afternoon has made it clear that some further negotiations between the communities concerned, at any rate, is necessary for an agreement, but I would like to hear two speakers before adjourning this meeting. They are Mr. Fazl-ul-Huq and Sir P. C. Mitter.

Mr. Fazl-ul-Huq: Sir, I feel very strongly that the discussion should be conducted in an atmosphere free from passion and prejudice, and that while we should all try to throw as much light as possible, we should also try to avoid generating heat. So far as Bengal is concerned some pointed references have been made. I wish to say one or two words, not to enter into any controversy, but to remind this Committee of certain essential facts which have to be borne in mind before any satisfactory solution can be arrived at. When I came to this meeting and when Sir Muhammad Shafi made that proposal, I thought that there would be no discussion on the merits of the proposal that had been put forward. Unfortunately, however, the proposal that has been made has been subjected to criticism on the merits. I wish only to say that while so many arguments have been advanced against the proposal that has been made, it is possible for us sitting on this side of the table to advance counter-arguments to substantiate the justness of the demand that has been made by Sir Muhammad Shafi on behalf of the Muslim delegation. I wish to remind this Committee that when we discussed the proposal that has been put forward, we from Bengal gave our assent to the submission of this proposal to the Committee on condition that the Muslims of Bengal should have representation proportionate to their population strength. I do not at the present moment wish to enter into any discussion as to the reasons why we put forward that proposal. The situation is quite plain. As Sir Muhammad Shafi has pointed out, we have been enjoying this privilege of separate electorates for many years. It has been guaranteed to us by solemn promises made by the Government, and when we came out to the Conference we were asked by all our friends in India not to agree to the abolition of separate electorates on any account. If, however, we agree to the abolition of separate electorates for the purpose of bringing about a settlement between the two communities, we have to take upon ourselves a very heavy responsibility.

What I want this Committee to remember is that, however open to criticism the proposition may be, however objectionable it may appear from some points of view, the fact remains that we, coming from Bengal, cannot consent to separate electorates being taken away, except on that unalterable condition. We are very sorry if this proposition is not acceptable to our Hindu friends. As I said, I could try and convince them that the proposition that we have put forward is quite reasonable. But I do not wish to enter into arguments at this stage; it is not for arguments that we have come here to-day. There was a specific proposal put forward by Sir Chimanlal Setalvad, and Sir Muhammad Shafi has only quoted before the House the words of Sir Chimanlal Setalvad and declared that we, the Mussalmans, are prepared to accept the proposition that has been put forward now for the purpose of bringing about an amicable settlement.

Now, Sir, there are one or two observations which I wish to make in connection with this proposal before I sit down. Dr. Moonje has said that the Mussalmans of India have now recognised the evils of separate electorates, and he has mentioned the name of Sir Ali Imam as one of the leading Mussalmans who have always been against separate electorates and in favour of joint electorates. Let me remind Dr. Moonje that Sir Ali Imam actually moved a resolution in favour of separate electorates at the Muslim League Meeting held at Aligarh in December 1925; he moved that resolution and Mr. Jinnah seconded it. That appears in the record of proceedings of the All-India Muslim League. In view of that fact, I do not see how Dr. Moonje could tell this Committee that Sir Ali Imam is against separate electorates.

Then, Sir, Dr. Moonje has told this Committee that ever since separate electorates were introduced the Hindus in India have protested against it, and that the Hindus were unanimous in declaring that separate electorates have been nothing but an unmixed evil. Without going further into details, I would like to remind Dr. Moonje that it was no less a person than the late Mr. Gokhale, one of the greatest Indians that our country has produced within recent times, who declared in favour of separate electorates for Mussalmans. We know what is called in India the political testament of Mr. Gokhale, and here I read one sentence from the political testament which will show that even Mr. Gokhale was prepared to concede to Muhammadans separate electorates: It is no use throwing the entire blame on the British Government. There have been Indians whose capacity for understanding the needs of the country cannot be questioned who have themselves conceded that separate electorates are necessary. This is what Mr. Gokhale said: "Then there would be the special representation of Muhammadans, and here and there a member may have to be given to communities." This is what Mr. Gokhale's political testament of 1915 says, as quoted in "Speeches on Indian policy", Volume II, page 119.

Sir Surendra Nath Banerjee, a great man whose words will carry great weight with this Committee, observed as follows: "The system of separate electorates was recognised by Lord Sinha and finds a place in the Calcutta Municipal Bill of 1917." That is what Sir Sarendra Nath Banerjee says in his book, "A nation in the making," page 360. There is another Bengali whose name I may mention to this Committee. He was the President of the Legislative Council and was also one of our ex-Ministers. In the Bengal Legislative Council proceedings, Volume 11, No. 2, page 241, of the 19th February, 1923, he is reported as having said: "Personally, Sir, I am in favour of separate electorates for important minorities; I heartily support the suggestion for a communal electorate for the Muhammadan minorities in Calcutta. It is not that I have taken up this attitude because of any exuberance of feeling for the Muhammadans, but because I am one of those who sincerely and honestly believe that the principle of separate electorates is based on the principle of self-defence. It is a protection which the minority need in dealing with a majority widely differing from it in political and economic development."

There is a Persian custom of conveying instruction by means of a fable, and in order, Sir, to enlighten if possible the debate by means of a small story, if you will permit me, I will tell it for the benefit of this Committee. Once upon a time there was a lion who somehow or other lost the use of his limbs; he could not go out into the forest to get his prey, so he sat in a parlour which he fitted up with some eatables. All sorts of small animals, like the minorities in India, used to pass in front of the parlour. The lion used to extend a very generous invitation to them to come into the parlour; he would say: "Come into the parlour, my friends, and enjoy as much as possible of my royal hospitality." Now passers-by, who did not know what was in the mind of the lion, or what was in his power to do (like the general British public) wondered why these small animals did not accept this invitation. The small animals (the minorities) on the other hand said: "We are quite willing to enter into that building, but we will enter into that little partition which has been set up for our protection, and we would decline with thanks your royal offer of entertaining us to a royal repast."

Now, Sir, the point is this. A cry is raised in the name of nationalism. I speak with the greatest

respect to all my friends, that if we believed it was a sincere cry for nationalism alone, the Mussalmans would be the very last persons to ask for any protection; but we know that once you have lured us into your parlour, all sense of nationalism will be forgotten, and you will make short work of all the minorities that come within your grasp. With all respect, Sir, I wish to tell Dr. Moonje that we have learnt this by actual experience in the municipalities and in the local boards and district boards. We have no separate electorates in these bodies in Bengal; there the elections are on a common register. Would Dr. Moonje be surprised to hear that in those parts of Bengal where the Mussalmans are in a minority on the electoral roll, no Mussalmans can succeed in winning a single seat by means of an election. If one or two Muhammadans have so succeeded, it is either by becoming a member of the Hindu Mahasabha, or by giving a sort of written undertaking that they will say aye to everything that their Hindu colleagues may say in the Committee.

In the year 1926, when there were these communal riots, communal feeling ran very strong in Bengal. In Eastern Bengal, where the Muhammadans are in a majority, they retaliated by ousting Hindus wholesale from the electoral polls because of the fact that they happen to be in a majority on the electoral roll. However much you may say that separate electorates are an evil, that the only way to nationhood is by doing away with separate electorates, experience teaches us that in India, where general electorates have been in force in municipalities, local boards and district boards, there has been no approach to the development of the self-governing spirit at all; on the contrary, in the Legislative Councils, where we have got separate electorates, the mere fact that Mussalmans enter the Councils through separate electorates has never prevented us from taking a broad outlook, a national outlook, an outlook best suited to the interests of India in almost all matters that come up before the Legislative Council.

I am not going to take up the time of this Committee, but I would be prepared to convince even the British members of this Delegation that separate electorates are not only no evil, but as a matter of fact they are the best solution that can be found in the circumstances prevailing in India. You have only to remember, Sir, that the best solution may not be an ideal solution; but the best solution has this advantage, that it is better than any other solution that you can put forward. We do not claim for separate electorates that it is an ideal solution; we say that in the circumstances existing in India at present the separate electorates are the best solution that you can conceive.

Then, talking of Bengal, Sir, we may be in a majority in the population, but, so far as the electoral rolls are concerned, we are in a minority. But suppose for a moment again that there is adult suffrage, which is the utmost that you can expect, the Muhammadans of Bengal are put in this disadvantageous position, that Muhammadan females observe strict purdah and do not come forward to exercise their votes. These are some of the reasons why, even in Bengal, the Mussalmans have been asking for special protection; and, whether the demand that has been put forward is extravagant or not, Sir Muhammad Shafi has made it prefectly clear that if we are going to have such a new departure as almost to revolutionise Muhammadan opinion in India, we can only consent to that on this condition, so far as Bengal and the Punjab are concerned. I am not talking of Sind and the North West Frontier at the present moment. We can only consent to the taking away of separate electorates on condition that you will consent to give to the Mussalmans in those Provinces representation in the House proportionate to their population, and of the whole House 55 per cent. Sir Muhammad Shafi, of course, will explain it if necessary; I am not going to enter into any statement.

I thought, that to this question, there would be a very simple answer: Yes or no. I did not think that any discussions would be started, because, if there are discussions, we would be prepared to defend the proposition that we have put forward. But if our Hindu friends reject it wholesale, and if, as I find, they have rejected it, the matter ends there. It is no use saying that these are the defects and these are not the defects; that is prejudicing our case before the judges. I do not want any party to prejudice our case by putting forward arguments which we have no opportunity of controverting; because I feel there should be no argument on propositions of this kind. The proposition has been put forward for the sake of peace and amity. Sir Chimanlal Setalvad put it forward in that spirit. Sir Muhammad Shafi has replied to it in that spirit. It is for our friends to say whether they accept it or not. If they do, the matter ends here and the Conference can end to-morrow. If this goes, then the claim that was originally put forward by Sir Muhammad Shafi remains; and, so far as we are concerned, that is the only proposition we can put forward. I do not wish to take up the time of the Committee any longer.

Chairman: I now call on Sir P. C. Mitter.

Mr. Sastri: Mr. Prime Minister, before you call on Sir P. C. Mitter to speak, according to the programme, may I be permitted to break the rule which I have made for myself that I should not enter into this controversy. If you will permit me, I shall not take more than a few minutes, Sir.

In the course of this discussion the name of the late Lord Morley was brought in as the sponsor of separate electorates.

Sir Muhammad Shafi: Not as a sponsor of separate electorates.

Mr. Sastri: As the introducer, or as the favourer, as the advocate, the champion, or whichever you please, of separate electorates; and to-day the name of my reverend master, Mr. Gokhale, has been called in. I do not complain; I only wish to say to those who may not be fully aware of the circumstances connecting these names with this question that that support of separate electorates is subject to this qualification.

In the case of Lord Morley it is well known to those who have read his Recollections that he was not brought to favour separate electorates upon their merits, but that he hesitated a great deal before he adopted them. I myself had the honour one day of listening to him upon this subject when I complained that in the electoral system of India he was responsible for a vicious element. He told me emphatically that he resisted their introduction for a very long time, and it was not until he was convinced that he could confer no reforms whatever upon India of a political character unless he guaranteed separate electorates that he went and adopted them.

In the case of Mr. Gokhale, although I know that he stood up in support of separate electorates in the Legislative Council and elsewhere, I know that as a matter of fact he always considered them to be necessary evils. He did not think that separate electorates could be justified upon their own intrinsic merits; he adopted them because he found as a statesman that, considering all the circumstances of the case, as my friends Sir Muhammad Shafi and Mr. Fazl-ul-Huq have stated, it was an evil from which there was no escape in the circumstances. If they were alive to-day and we could by pacific arrangements produce a system of joint electorates, no two persons could be found to rejoice more than the late Lord Morley and the late Mr. Gokhale.

Sir P. C. Mitter: Sir, I do not desire to say anything which would add to the difficulties of this very difficult and baffling problem. To my mind, Sir, the main question is how to get peace between the two communities. If we get peace between the

two communities by communal electorates, although I do not like it, although my friends to the right do not like it, although the Hindus as a community do not like it, there are many amongst us who will purchase that peace at the risk of giving the go-by to that cherished conviction. At the same time, if by conceding joint electorates we do not attain that peace, we fail in our object. Therefore, Sir, I would appeal to my Hindu friends as also to my Muslim friends to go to the root cause and try to achieve peace.

Apart from that general observation, there is another point of utmost importance to which I think it my duty to refer. That is how to get advance on constitutional lines. From that point of view I do not want to lose in any way the good will of the public of this Conference, the Muslim and the Hindu and the British, for my Province of Bengal. It is perfectly well-known that from the point of view of advance on constitutional lines we have our peculiar difficulties, and none know that better than my esteemed colleagues, Mr. Fazl-ul-Huq and Mr. Ghuznavi. Therefore, I desire to say something as an individual who has not spared himself in the work of peace-making. I hope I shall not be misunderstood, and that the opportunity that I seek for peace and the constitutional advance of my unhappy Province will not be denied.

Now, Sir, I wish myself to speak more as a Bengali, and to tackle the question from the Bengal point of view. I say this with all the experience of more than 30 years of Bengal politics. I appreciate all the efforts on both sides towards the solution, but the fact remains that a solution designed for Bengal must needs be one that would be acceptable to Bengal. This presupposes a more intimate touch with the public of Bengal than some of my esteemed friends, Mussalmans or Hindus, from other Provinces may possess. Surely I am not here strictly in my individual capacity; I come here in such representative character as I can humbly claim, and I would not here, for the sake of an ephemeral and make-believe harmony, accept a solution on which, on my return, I know it will not be possible for my community to deliver the goods. But I know also that in Bengal, in spite of appearances to the contrary, the relations between the Hindus and the Mussalmans are not so bad as they are supposed to be by men in other Provinces. My esteemed friend, Dr. Moonje, will not misunderstand me when I say that in the election of 1926 seats were contested by the Hindu Mahasabha, seats were contested by the Congress people, seats were contested by the party to which I have the honour to belong. The Hindu Mahasabha could only return one candidate. We could return our 20 per cent., the Swarajists returning 80 per cent., but the position is getting worse and worse.

In the last election the Hindu Mahasabha could return a fairly large number of candidates. I hope Dr. Moonje will appreciate what I say in the spirit in which I am saying it, and will not interpret it as anything derogatory to his great movement; and I appeal to my Muslim friends to consider that if in 1926 the Hindu Mahasabha could only have returned one candidate, and to-day they have been able to return more candidates, there is all the reason why they should look to the other side of the picture. We, the Hindus and the Muslims of Bengal, want to live in peace, and I may say this, that, as Mr. Chintamani has very clearly pointed out, if we cannot come to any agreement, then the British delegations will have to come to a decision for us; but before you do so, will you give us one chance? I am almost certain, Sir, that if you give us a chance of working amongst our people only for one month after we return, we shall be able to solve this problem, if not before—("No, no.")—May I finish, please? Do not interrupt. Supposing we fail, you will have to decide. Of course, that does not indicate that if we cannot settle here in London we shall not settle. We shall do our best. I have talked to my Muslim friends, I have talked to my Hindu friends, but on account of certain circumstances to which I need not refer, because it would make the position more difficult, if I referred to them, it has become more difficult during the last three days. I am yet not without hope. If we can settle, well and good. We shall then settle in London; but if we cannot settle here, for heaven's sake give us a month's time after we return to India. You do not lose anything, because if we cannot settle you will have to decide. Because I am making an appeal I will not go into the merits of the question, as otherwise I would have liked to have done.

There is only one thing, and that is this, that a claim has been put forward by the backward classes, a claim has been put forward by my Muslim friends, a claim has also been put forward by Sir Hubert Carr, and I believe Colonel Gidney is going to put forward a claim. A claim, I believe, will also be put forward by the Indian Christian community. The effect of those claims on this question ought not to be ignored, and whatever conclusion is come to it should be come to after taking all those claims into consideration.

One word more, and I have done. If we can settle, the question need not be discussed further so far as Bengal is concerned, and let me assure you, if we settle in Bengal we shall not forget that Bengal is a part of India. We do not want to settle anything over the heads of other Provinces, but if we cannot settle we shall put in our written memorandum and let the British Delegations decide.

Chairman: The situation seems to be that at the present moment there is not a very bright prospect of an agreement amongst you. At the same time, do not go away and feel or talk as though some great calamity had happened, because that is not true. This is the kind of problem that those of us who have been for some time in politics know is constantly cropping up, and at the eleventh hour, before the settlement comes, things always look pretty bad. I have never known a big settlement made yet when I was not almost in despair, just a minute or two before it was effected. So far as I am concerned I am not at all inclined to be tremendously disappointed that Sir Muhammad Shafi on behalf of the Mussalmans and Dr. Moonje on behalf of the Hindus have been unable to embrace each other, standing on the top of those tables in the eyes of us all. This is a matter which will be settled. It must be settled sooner or later, and the people who will settle it are you. The British Government, you may depend upon it, whatever it may do, will do nothing to put any obstacles in the way of a settlement, nor will it do anything which will tend to prolong the time which will elapse between now and the settlement. I think the best thing to be done now is, as far as I know—you will correct me if I am wrong,—the various claims of the various communities having been made, and some of you having been good enough to send us typewritten, others printed memoranda.——

Sir Muhammad Shafi: We have not sent any.

Chairman: No; I say some of you; and those of you who have not done that have trusted to your very conspicuous powers of exposition and advocacy, so that the facts are before us; and what I think would be the most convenient thing now to be done would be that I should attempt to summarise and to state what points have been brought forward, what suggestions have been made, so that we shall get them in a document, and that that document, brought before you at a later meeting, should become the Report of this sub-Committee to the full Conference. That will be done in the course of a day or two, and then we can resume our meetings to consider how far that Report is an accurate minute of what has taken place, and you can examine it and move that perhaps some things might go out, or some things might go on, and that some other things might be differently expressed.

In the meantime I would like to renew the very moving and effective appeal that was made from the ladies opposite at the beginning, and which I have tried, with less grace and much greater shortcomings so far as perfection is concerned, myself to make. I would appeal to you to go on with your negotiations between yourselves. If you agree to that method of handling the business, then we shall adjourn, and I will let you know when the Report is ready in draft for your consideration before it becomes official.

I am sorry, I must leave town to-morrow, and I shall not be back until very early on Friday morning, so that the next two days I shall not be visible; but we will lose no time in spite of that. Do you agree to that method of procedure? (*Agreed.*) If so, then the Committee adjourns.

Sir Shah Nawaz Bhutto: May I be permitted to request you to let us know whether the question of Sind has received your consideration?

Chairman: I think what I had better do is to ask the Secretary of State to bring the matter before the Business Committee, and on my own authority ask them to appoint a Committee; and I will get that pardoned from the full Committee. I will do that.

(*The sub-Committee adjourned at* 5.10 *p.m.*)

PROCEEDINGS OF THE FIFTH MEETING OF SUB-COMMITTEE NO. III. (MINORITIES), HELD ON 14TH JANUARY, 1931.

Chairman: I ought to explain to you, before proceeding to put this draft of the Report before you, that the intention was to embody in the draft the more important, at any rate, of the proposals and observations made during the meeting of the Committee, so that they might be put on record. I have ventured to propose a termination to it, which, as a matter of fact, you have not hitherto accepted, and I draw attention to it straight away. It is clause 17.

Sir Muhammad Shafi: Prime Minister, before taking the Report, with your permission I would like to make a statement on behalf of the Muslim Delegation with reference to a possible settlement of the question.

Chairman: Very well. Just let me explain the business, as I have started it, and then I will call upon you. I have had no notice of this.

Sir Muhammad Shafi: I wanted you to know, Sir, that we have another proposal to make.

Chairman: Thank you very much. I draw your attention to paragraph 17, which will be reached in due course, but I wish you to read it and to be prepared to consider the suggestion I make about continuing the work of the Committee. With that exception, as far as I was able to arrange, there is nothing in the Report but what has been said during the meetings of the Committee. What I would propose to do would be to put it to you paragraph by paragraph; but before doing so I will call upon Sir Muhammad Shafi to make the statement to which he has referred.

Sir Muhammad Shafi: Prime Minister, after the last meeting of this Committee, when a certain proposal was made by me on behalf of the Muslim Delegation and was rejected, the Mussalman members of the Round Table Conference, in their patriotic desire, if possible, to bring about a Hindu-Muslim settlement, upon which we realise depends the future of India, had been exploring other possibilities, and I am authorised by the Mussalman members to-day to make another offer, which, if accepted, will bring this troublesome controversy to an end.

The Committee will remember that with regard to the remaining points certain understandings were arrived at during the course of the negotiations. The real trouble in the end arose in connection with the Punjab and Bengal, and it was over the representation in these two Provinces that the negotiations failed. To-day I am authorised to make this offer: that in the Punjab the Mussalmans should have through communal electorates 49 per cent. of the entire number of seats in the whole House, and should have the liberty to contest the special constituencies which it is proposed to create in that Province; so far as Bengal is concerned that Mussalmans should have through communal electorates 46 per cent. representation in the whole House, and should have the right to contest the special constituencies which it is proposed to create in that Province; in so far as the Minority Provinces are concerned, the Mussalmans should continue to enjoy the weightage which they have at present through separate electorates, similar weightage to be given to our Hindu brethren in Sind, and to our Hindu and Sikh brethren in the North-West Frontier Province. If at any time hereafter two-thirds of the representatives of any community in any Provincial Legislative Council or in the Central Legislative Council desire to give up communal electorates and to accept joint electorates, then thereafter the system of joint electorates should come into being.

Mr. Zafrullah Khan: In that particular Province?

Sir Muhammad Shafi: In that particular Province, or in the Central Legislature, as the case may be.

Now, Sir, in connection with the offer I have made, there is one point which I wish to make clear. The result of the proposal I have made in Bengal will be that the Mussalmans will remain in a permanent minority, although they constitute a majority of the population. The special constituencies which it is proposed to set up in that Presidency are such that the Mussalmans can hope at the best to secure only one seat out of these special constituencies, and that is the Dacca University seat. That is a mere possibility; even that is not a certainty. So that the Mussalmans will remain in a permanent minority in that Province. And in the Punjab they have a possibility of securing two seats through the special constituencies, and thus have a majority of one, provided they succeed in securing those two seats.

This is our final offer, and I am sure that it will be realised by all impartial minds that in the interests of peace, in the interests of mutual co-operation and good-will between the two communities, and in the interests of smooth working of the Indian constitution in the future, the Mussalmans cannot possibly agree to incur any greater sacrifice than they are incurring in making this proposal.

Mr. Sastri: Mr. Prime Minister, may I have the next opportunity to speak; I do so on behalf of a few friends here. I have listened with great respect and attention to the offer which Sir Muhammad Shafi has made just now. We all realise that the differences are capable of settlement, and have, indeed, been more or less settled in regard to the greater part of India; it is only in the Provinces of Bengal and the Punjab that the difficulty still remains unconquered.

None of us for whom I speak can pretend to know all the local feeling and the local circumstances; nevertheless, much has during these weeks come to our knowledge, during the progress of the negotiations, upon which it is possible for us to form something like a detached judgment; and, with the greatest diffidence and with the most profound goodwill, and with the request that it will be taken for what it is worth on both sides, I desire to say, on behalf of these friends, that it seems to us that this last offer may be accepted, provided our good friends from Bengal and the Punjab see their way to accept it.

We most humbly request them, on behalf of India as a whole, remembering the condition that Lord Reading has attached to his statement, remembering

also what you, Sir, said last night—remembering all these circumstances, we beg our friends from the Punjab and from Bengal, on behalf of the India we all love, for the sake of peace, for the sake of the success of the good work which we have already begun here, and which now stands in peril on account of this single difficulty—we appeal to their patriotism and we beg them to see their way to accept this settlement. In all the circumstances, it seems to us the best approach to the problem.

Chairman : Would our Punjab friends be ready to respond ?

Sardar Ujjal Singh : I should like, Sir, to say a few words. I, and for the matter of that the Sikh community, yield to none in our spirit of sacrifice for the cause of India and for the cause of nationalism, and any solution that can be found which is acceptable by all parties would be welcome.

Before this offer it was not known to us at all what was happening behind the scenes or what was going to be offered here at this Conference. In fact, the question of the Sikh representation has not been considered at all. It is all right for my Muslim friends to press for a particular representation to protect their minority interests in Provinces where they are in a minority ; but, with due respect and very humbly, I suggest it is for us, the minority community in the Punjab, to lay before this august assembly the minimum representation which the Sikh community would at all be prepared to accept. In this connection, with the same spirit which prevails at this moment in this gathering, and taking upon myself and my colleagues full responsibility, and taking into consideration the great feeling that prevails in my community, I would humbly suggest that any representation lower than a figure of 24 per cent. in the Punjab Council would in no case be acceptable to the Sikh community.

I would not like to refer to the proportions which might in that case be allotted to my Hindu or Mussalman friends, because it does not lie with me to fix any proportions ; I can only say this on behalf of the Sikh community, that if you can, under this proportion of 49 per cent. to my Mussalman friends in the Punjab, accommodate the Sikh representation to the extent of 24 per cent., I would not stand in the way.

But please do consider all the communities together —the Hindus, the Sikhs and the Mussalmans—and the Sikh representation to the extent of 24 per cent. ; and then, if you can accommodate all these figures proportionately, we should certainly welcome any proposals and any suggestions made in that connection.

Sir P. C. Mitter : Sir, the appeal coming as it does from my respected and revered friend Mr. Sastri, and offered as it has been by my Muslim friends, cannot be lightly ignored. If I could persuade myself to believe that this appeal would lead to peace in Bengal I would unhesitatingly accept it ; but, so far as I am able to judge, I am afraid it will not lead to peace in Bengal, and for that reason, and for that reason alone, I am afraid I cannot accept it.

Raja Narendra Nath : 49 per cent. and 24 per cent. makes 73 per cent., and that reduces my share to 27 per cent. It is a principle which is not observed or allowed for any community that its representation should fall so far below its numerical strength in the population. If the Sikh demand is to be conceded, and if the Muslim demand is to be conceded, the representation of my community is reduced from 32 per cent., which is its proportion in the population, to 27 per cent. Now, does that exist in any part of the world ? And, if it does not exist, why should my interests and the interests of my community be sacrificed, especially when Sir Muhammad Shafi says that separate electorates will continue all over the country ?

Dr. Moonje : I think, Sir, that the way the proposal has been put forward by my friend Sir Muhammad Shafi holds out a hope for mutual accommodation. At least, I feel that if we can sit down together there is a hope that mutual accommodation can be found, because I feel that Sir Muhammad Shafi has been inspired by a willingness to give and take. If this inspiration continues and is strengthened in the interests of the unity of India and in the interests of patriotism and the nationalism of India, I will not be wrong in supposing that there are reasonable grounds for a hope being raised in my mind that a proper accommodation is at last within sight. I have not been able to follow quite accurately—does Sir Muhammad Shafi mean separate electorate also in the Provinces ?

Sir Muhammad Shafi : Yes.

Dr. Moonje : Am I right, Sir, in understanding that—separate electorates in the Provinces ?

Chairman : Just let me understand it quite rightly. I quite understood you, and I think I rightly understood you, that you insist upon separate electorates in the Punjab and Bengal. Is that right ?

Sir Muhammad Shafi : Yes, all through. The result of my offer will be that the majority of Sind, Bengal and the Punjab will be filled up through communal electorates, and there will be a small number both in Bengal and the Punjab which are characterised as special constituencies. There the method of election will be joint electorates, so that the experiment of joint electorates will be tried in those seats. Only as regards the rest, separate electorates throughout.

Dr. Moonje : In all the other Provinces, too, there will be separate electorates ?

Sir Muhammad Shafi : Yes.

Sardar Ujjal Singh : Does Sir Muhammad Shafi mean also landowners' seats and all these special seats ?

Sir Muhammad Shafi : May I say one more word. We have given 6 per cent. to our Sikh brethren. The rest our Hindu brethren can give to them, as much as they can settle amongst themselves.

Sardar Sampuran Singh : What we want to know is, what special seats do you want to keep common ? What seats are they ? Are they landholders' constituencies—one Labour seat and four landholders' seats ?

Sir Muhammad Shafi : Yes, and University and commerce.

Sardar Sampuran Singh : Well, they have been given up in the latest reports, you know—commerce and those things. I would like to know how the thing will work out. I want to know definitely what you have in your mind.

Sir Muhammad Shafi : It is simple enough.

Sardar Sampuran Singh : After reserving 49 seats, what I want to know is, how many do you want to keep open for joint electorates, special constituencies as you call them—how many you are keeping as common constituencies ?

Sir Muhammad Shafi : As proposed in the Punjab Government Despatch. There they are.

Dr. Moonje : I think the best course will be, in the circumstances, to meet informally with the Prime Minister, Mr. Ramsay Macdonald, sitting as our conciliator—two or three people on your side, and our Sikh friends and our people on our side. We could sit down together and see where accommodation is possible and how is it possible. I am hopeful that accommodation will be possible.

Sir A. P. Patro : Let us discuss it now and finish it.

Chairman : The proposal that has just been made makes it impossible for us to go on and adopt the Draft Report that is in front of us, because, of course, it

changes the whole circumstances. If you would be agreeable, I should propose to adjourn this sub-Committee now, and I will also, you being agreeable, propose to remain in the Chair and to ask that those of you who are specially interested should meet—and we must include Dr. Ambedkar.

Dr. Ambedkar : I am obliged to you, Sir.

Chairman : Oh, yes, we must include him—and see whether by an exchange of opinions across the table we could not come to an agreement.

Sir P. C. Mitter : I should like to join, Sir, in those discussions.

Dr. Ambedkar : We have heard just now these proposals and percentages being disposed of, but really it strikes me that if you add up all these they not only go over 100 per cent. but they practically take no notice of many other communities that are existing in the Punjab and Bengal and in other places. If these communities, the Sikhs, the Muhammadans, the Hindus, are going to appropriate 49 and 20 and so on, what is left for the other people ? Are they to be taken into account or not ? That is a very serious question, Mr. Prime Minister.

Lt.-Col. Gidney : May I just raise my humble voice—it is a very small voice, I know—in this conflict ? I support what Dr. Ambedkar has just said. Surely you are not going to take the political rupee and give 15 annas and 9 pies to the major communities, leaving 3 pies to be scrambled for by the other minorities. On behalf of the smaller communities I maintain we should have some say in this distribution.

Chairman : That is just the point. I think that we had better discuss this matter with a smaller body and a little bit more informally.

Mr. Foot : And no notes taken ?

Chairman : And I shall remain in the Chair, you being agreeable, and see what can be done to straighten out the situation that has been opened up by the very hopeful suggestion made by Sir Muhammad Shafi.

Mr. Joshi : May I say just one word, and it is this. A question has been raised about the proportions for different communities ; but, Sir, there is a community which is unfortunately not a separate community. It consists of people who have got conscientious objection to voting in any communal electorate. I would like you, Sir, to give some attention to that community, and have some electorates where all those people, whether they are Muslims, whether they are Hindus, whether they are Sikhs, will be able to vote without calling themselves Sikhs, Hindus, or Muslims. I hope, Sir, that that consideration will be borne in mind.

Chairman : I would therefore suggest that this sub-Committee should now adjourn, and that a few minutes should be spent by those of you who are interested to select one or two representatives. Do not make it many. Let us have a Committee at which we can carry on conversations rather than make speeches. We will adjourn to another room and we will consider these new proposals and how they can be fitted in, if possible, into an agreed scheme. Do you agree to that ? (*Agreed.*)

Lord Reading : Is this Committee going to sit again during the day ?

Chairman : What is your experience, Lord Reading ?

Lord Reading : Well, I should suggest that this sub-Committee had better be adjourned.

Chairman : It is adjourned until you are summoned again.

Sir William Jowitt : Adjourned *sine die.*

Chairman : That is the best way to do it, I think.

(*The sub-Committee adjourned at 3.30 p.m.*)

PROCEEDINGS OF THE SIXTH MEETING OF SUB-COMMITTEE No. III. (MINORITIES), HELD ON 16TH JANUARY, 1931.

Chairman : I have attempted in this Report to gather all the suggestions that were made and the points brought forward into their proper place, so that the various points do not appear according to the time and place where they were made in the sub-Committee. I have done my best to put nothing in that was not stated or claimed. The only paragraph which is perhaps a little more emphatic than the other statements is paragraph 16, which refers to the British Government. I draw your attention to that so that you will not overlook it ; I do not raise it at present, but when we come to paragraph 16 please remember I have warned you it is a little stronger than the other statements made here. We make that statement in order to have the position clear.

I will take the Report paragraph by paragraph. Nothing arises on paragraph 1, which is simply a report of the membership.

Paragraph 2 begins " The sub-Committee felt that the first task to which it should address itself, was to have an authoritative statement of claims put in by the representatives of each community with proposals as to how their interests should be safeguarded." I assume you have read this. Do you accept that as a correct record ? That is the only question before us.

Paragraph 3 begins " One of the chief proposals brought before the sub-Committee was the inclusion in the Constitution of a declaration of fundamental rights " and so on.

Raja Narendra Nath : I propose that we should say " free and equal exercise " in the penultimate line, and not just " free exercise."

Chairman : " The inclusion in the Constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without distinction of race," and so on, " the free exercise," and so on.

Raja Narendra Nath : I propose we say " the free and equal exercise."

Chairman : " of his or her economic, social and civil rights."

Raja Narendra Nath : I do not think we want the " his or her." Cannot we say " the free and equal exercise of economic, social and civil rights by citizens ? " I do not insist on it.

Chairman : " equal " is of substance, but I do not think the other matters very much.

Raja Narendra Nath : I suggest we should say " free and equal exercise."

Chairman : As a matter of fact, that is a quotation from Dr. Ambedkar.

Raja Narendra Nath : The word " equal " was used in Dr. Ambedkar's speech.

Sir M. Shafi . I think " free " covers it.

Dr. Shafa'at Ahmad Khan : I think it should remain as it is.

Chairman : It says " and securing to every individual . . . the free exercise." You cannot secure the equal exercise, because equal is an attribute of the individual who uses the rights.

Raja Narendra Nath : I mean equality in rights ; equal rights.

Mr. Chintamani : I do not see the particular propriety of that adjective "equal."

Raja Narendra Nath : It is used in Dr. Ambedkar's draft.

Chairman : You can secure to each individual the free exercise of his rights, but if he does not exercise them in terms of equality that is his look out, not the Government's.

Raja Narendra Nath : Very well.

Chairman : "his or her" can come out, I think.

Dr. Ambedkar : After the word "rights" at the end of the paragraph I should like the words "without discrimination" added.

Chairman : It says already "without distinction of race, caste, creed or sex."

Dr. Ambedkar : I should like the word "untouchability" included there.

Chairman : "Without distinction of touchability"? You already have race and caste.

Dr. Moonje : I think it is all right.

Dr. Ambedkar : In order to explain things better I think that word might be included.

Chairman : Do not let us produce a document which people will laugh at on account of the way it is worded.

Dr. Ambedkar : I think we ought to make a distinction between caste and untouchability. Many people who have caste do not suffer from the difficulties of untouchability.

Raja Narendra Nath : Even the Muslims have caste.

Diwan Bahadur Ramachandra Rao : There is caste among the untouchables. "Caste" is a wider expression.

Mr. Foot : Unless an alteration which is substantial is proposed, I understand it is rather late to make an alteration at this stage.

Dr. Ambedkar : I should like to say "social and civil rights on account of untouchability or otherwise."

Chairman : Untouchability is a violation of social rights, and if you pile on words instead of making it more precise it has, as a matter of fact, an exclusive tendency; it narrows the thing if you give a specific application to a general principle. If you keep your general principle sound you are much safer so far as its application is concerned than if you quote it as applying to the one particular grievance.

Dr. Ambedkar : That is true, but I do maintain that the question of interpretation will come in, and I should like whoever is going to handle this Report to understand that the sub-Committee did mean not to impose any disability on account of untouchability.

Chairman : In a case like that, if there is any doubt about it, I will take the opinion of the Committee and settle it. Do you persist, Dr. Ambedkar?

Dr. Ambedkar : I am afraid, Sir, I shall have to. My dissent might be noted, that I do wish that this should be made clear.

Chairman : There is a suggestion made that the word "distinction" should be substituted by the word "discrimination," so that it will read "without discrimination as to race, caste," and so on.

Dr. Ambedkar : Yes, that would do it.

Chairman : That will be all right?

Dr. Ambedkar : That will be all right. I suggest at the end it should be "without discrimination."

Chairman : Quite. Then would you make that alteration, please. Then it will read "without discrimination."

Dr. Ambedkar : Yes.

Chairman : That is a good amendment; the other, I think, would have been a bad one.

Mr. Joshi : In line 3 I want to add the word "economic," so that it will read "safeguarding the cultural, religious and economic life."

Chairman : How can you safeguard the economic life of a community in a constitution?

Mr. Joshi : There are certain rights which we have mentioned in the declaration of rights which was presented on behalf of the worker.

Chairman : Certain rights, but certain rights are not all economic rights.

Mr. Joshi : "Fundamental rights."

Chairman : "Fundamental rights safeguarding the cultural and religious life."

Mr. Joshi : I suggest "cultural, religious and economic life."

Chairman : You only want to safeguard part of the economic life. With regard to the religious life you want to safeguard it all.

Lord Reading : Is not that covered by the later words?

Chairman : Yes; and then may I draw your attention to the fact that it goes on: "without discrimination as to the free exercise of economic, social and civil rights."

Mr. Joshi : But that is really intended to say that there will be no discrimination between the economic classes; that is the only thing which is intended in the last words; but the first words are for a declaration of fundamental rights safeguarding the cultural, religious and economic rights.

Mr. Chintamani : What exactly are economic rights?

Chairman : How on earth can you declare fundamental rights safeguarding the economic life of the people?

Mr. Joshi : Well, Sir, the fundamental rights which have been proposed by us are these: that it is the duty of every worker to give his best to his community, and it is the duty of the community to give him opportunities for work and training; that is one of the rights mentioned by us. Secondly, we have mentioned that as to all workers there will be perfection in respect of their difficulties.

Chairman : Now supposing you put in a claim that a man is only being half trained as a carpenter; will that claim lie in a Court of law against the Government for not giving him full training?

Mr. Joshi : Well, Sir, we made it quite clear that the declaration of fundamental rights may not have legislative effect, but it certainly has a great moral effect; and these fundamental rights have found place in the constitution of Germany and several other European countries as well as countries in other parts of the world. Therefore, although they may not have legislative effect, they have got a great moral value, and they are found in other constitutions.

Chairman : No, really, believe me, they are not, in the way that you have put it, unless it is a constitution drafted at the end of the eighteenth century, when we had no experience of the working of them; they have not been drafted in that way since. There is another point: would the members look at the whole thing with very critical eyes; otherwise you may make amendments with good intention but make a mess of the whole business.

How can you safeguard the economic rights of a community ? These parts in which the amendment is proposed have got nothing whatever to do with individuals; they refer to fundamental rights safeguarding the cultural and religious rights of the various communities; and then, when you come to the individual, which is what is in Mr. Joshi's mind, economics does come in.

Mr. Joshi : The individual does not come in in my mind; what comes in my mind is the labour community.

Sir A. P. Patro : Who is labour ?

Mr. Joshi : If you do not know who is labour, I think you will have to wait for some time. I am quite prepared to give a lecture on that subject.

Sir A. P. Patro : I cannot accept you as representing the labourer.

Mr. Joshi : But I am here.

Chairman : We will wait for the lecture.

Mr. Joshi : If you want one, I will give it.

Chairman : Is the point clear to your minds ?

Lord Reading : Quite.

Chairman : Mr. Joshi's proposal is to put in a provision regarding the economic rights of a community.

Lord Reading : Economic life.

Mr. Joshi : Economic life.

Chairman : Yes, safeguarding the rights of the economic life of a community. I am not sure that I understand what it means. I am doing my best to put it clearly. Do you agree that that should come in ?

Members : No.

Chairman : Do you wish it to come in ?

Sir A. P. Patro : No.

Mr. Joshi : Sir, my dissent should be noted.

Chairman : Then 3.

Dr. Ambedkar : Sir, as I understand, paragraph 3 summarises the demand put by the different communities before this Committee.

Chairman : Yes.

Dr. Ambedkar : In view of that, I should like to suggest that the other demands made by the depressed classes specifically in their own interests, on account of the fact that their position differs somewhat from the position of the other minorities, should be added. I do not mean to say that they should be added as an accepted proposition by this Conference, but for the sake of completeness those demands should be put in. I would therefore suggest the addition of the following paragraph to this paragraph after the word " rights ": " The depressed classes also urged that untouchability, with all its consequent disabilities, should be abolished by law, and that they should be guaranteed free and unfettered enjoyment of their rights; and they also claim the right of appeal to the Governor-General and the Secretary of State in cases of prejudices or neglect of their interests."

Chairman : But you see, in so far as these suggestions can be made workable, they will come in in the details that will have to be worked out.

Dr. Ambedkar : I quite see that.

Chairman : Partly legislative and partly administrative.

Dr. Ambedkar : But what I would like to say is this, that in view of the fact that this paragraph tries to summarise what was put before this Committee by the different communities, what was put by the depressed classes, as something specifically for themselves, apart from what other communities needed, ought to come in by way of completion.

Chairman : But it says " without discrimination " and so on.

Dr. Ambedkar : Mr. Prime Minister, you will excuse me; it is one thing for the constitution to say that no man shall be discriminated against, and that every man shall be guaranteed the free enjoyment, and so on; but I know as a matter of fact that we are hard up against facts, and that people will not allow us to enjoy the rights which are given to us by the constitution. I am as certain of that as I am certain of my own existence. I do not want merely a paper guarantee. The whole community will be against us, and we shall certainly never enjoy one-tenth of what is given to us. I therefore desire that the constitution should not only declare that we shall have specific rights that every community will have, but that the constitution should also provide ways and means by which we shall be protected in the exercise of those rights.

Chairman : The point is, supposing a legislature does not pass a law which will suit you, then the constitution has been broken.

Dr. Ambedkar : No. What I suggest is this : That in the memorandum which I have circulated I have suggested certain ways and means by which we think our rights could be protected in the matter of their exercise. The Committee here, for instance, may not agree that that is an appropriate way of doing it; the Committee may suggest that there are some other means of doing it. I am quite prepared and open for consideration of those other ways and means; but what I want to submit is this, that this draft ought to report that the depressed classes did suggest that they were not satisfied with the mere declaration that they were placed on an equality of footing with other communities; but they pressed that in actual working they needed protection of the free exercise of the rights given them by the constitution. I am not asking for anything more than that. That is by way of completion of the report. In the memorandum which I submitted you will see I do recommend a certain procedure for that.

Mr. Foot : The only difficulty which occurred to me, with every sympathy for Dr. Ambedkar, was that if you begin to put in a statement of your position, it would have to be a very full statement. Already we have upon the notes the claim that has been made, and the sympathetic adoption of it here referred to again at the end of paragraph 16. It seems to me perhaps there may be the risk that if you are going to put in any claims at all, you will not have it fully stated in this memorandum.

Dr. Ambedkar : I would just like to say as regards paragraph 16, the last two sentences refer to the depressed classes, and they are confined to the seats that are to be allotted to them. That is a different matter altogether. What I am stating is this, that the constitution may give me certain rights, but I know that 99 per cent. of the people in India are not going to allow me to exercise those rights. What is the use of those paper rights to me unless the constitution provides that if anyone infringes my rights he is liable to certain penalties ? What I say is this. I do not press that the meeting should adopt my proposal. What I want is that the constitution should be made so complete as to cover what I have said on behalf of the depressed classes on this sub-Committee.

Chairman : We have every sympathy with your position, and are prepared to support it; but the difference between putting a paragraph in the constitution declaring for fundamental rights and the drafting of laws carrying out those fundamental rights is a real one. You cannot get into a constitutional declaration any details of a law which is going to enforce it. What you have got to do is,

when you get your representation, when you get your declaration of rights, not in detail, in your constitution, then, as a representative of your people co-operating with the other people in the Legislature you have to produce the law which you think carries out the declaration in the constitution, because if you put anything more by way of detail into your constitution and the constitution is not carried out in that respect, then the constitution is not carried out at all. So you will never get on in that way.

Dr. Ambedkar : My submission is this. I perfectly agree with you that this declaration of fundamental rights is of no consequence. I attach no importance to it myself personally, because, after all, what is important to an individual is not that his rights should be declared but that he should have the remedy in order to enforce those rights. That is the effective guarantee of the rights in the declaration, and therefore I want that the constitution should give me some means whereby I can get redress when I am wrong. It is no use merely saying that there is no " untouchability " and so on.

Chairman : As a matter of fact we have got the point clearly in our minds, so it need not be reiterated; but what Dr. Ambedkar says is that a declaration in the constitution is not good enough for him unless it is enforceable by law. That is so. In order to make it enforceable by law, laws must be passed creating the penalties and the crimes—the crimes first of all, and the penalties. You cannot create a crime of this kind, I think, not safely—I am in the hands of Lord Reading; he is a lawyer, I am not—you cannot, in drafting a general introductory clause to your constitution, create by that a crime which gives you more rights than those that you can claim under the constitution. Under the constitution you have got certain rights given to you, and I am not at all sure what is the position. Supposing a depressed class person was actually persecuted in violation of this declaration, could he not move for some redress in the Courts.

Lord Reading : Well, you have got to give him some remedy for it, of course. You must make it a misdemeanour.

Chairman : Can you do that in the constitution ?

Lord Reading : No, I do not think so. If you will forgive me for a moment I do not think Dr. Ambedkar was pressing for that. As I understand it, he wants us to make a definite statement that he had put the claim forward, that he was not satisfied merely with the declaration of " free exercise," etc. What he wants also is that he drew special attention to the fact that that was no use to him unless he also had protection for an infringement of these rights, and he leaves it there. Then you have to consider what the remedy is hereafter. That is as I understood him.

Dr. Ambedkar : That is my position.

Chairman : Very well, that is understood. Certainly that can go in as a record of the claims made. It might go in something like this : " Dr. Ambedkar called attention to his demand for the inclusion in the constitution of special provisions safeguarding to the depressed classes the exercise of their rights." We will get a draft—something on those lines.

Lt.-Col. Gidney : May I just say one word here. I am not going to refer to the declaration of rights that I have submitted, but with regard to the words " cultural and religious life," might I suggest, as per the declaration that I put in, " cultural, educational and religious right," I have added educational because education and religion are so inseparable with my community that I would like that word to be put in.

Chairman : But is it not also inseparable from cultural ? I think that it is covered, and then later on, so far as the individual is concerned, " economic, social and civil rights." It is very difficult to put in every word.

Raja Narendra Nath : " Civil rights " covers it, I think.

Chairman : That applies to the individual, and the " cultural rights " apply to the community. The question is, that 3 be accepted.

Sir A. P. Patro : May I ask that my dissent from this be noted in the Report.

Chairman : Just make a note, as I stated a few minutes ago.

Lord Reading : It is on the shorthand note.

Chairman : Now 4.

Raja Narendra Nath : It is in order to have the Report in conformity with the facts that I have brought this before the sub-Committee. I propose that at the end of paragraph 4 we should add : " It was also pointed out that separate electorates were originally a minority right, and that whilst they were of doubtful utility to the minorities in the past they would be positively harmful to them in an autonomous Province. The observations made on page 30 of the Nehru Report were quoted in support. It was therefore argued that separate electorates should not be continued in Provinces in which minorities objected to them, and should not be allowed to be used by majorities as a means of asserting their communal ascendancy over minorities."

That was the view I put forward. I do not say it was accepted. I do not force it upon others, but simply to bring forward the facts I want that put at the end of paragraph 4.

Chairman : The motion is that these words be added : " It was pointed out that separate electorates were originally a minority right, and that whilst they were of doubtful utility to the minorities in the past, they would be positively harmful to them in an autonomous Province. The observations made on page 30 of the Nehru report were quoted in support. It was therefore argued that separate electorates should not be continued in Provinces in which minorities objected to them, and should not be allowed to be used by majorities as a means of asserting their communal ascendancy over minorities." Now, if I put that in, I must put the reply; and we cannot begin . . .

Sir Muhammad Shafi : As I was going to point out, if individual views are going to be incorporated in the Committee's Report, then the contrary view should also be incorporated.

Raja Narendra Nath : I do not mind that.

Chairman : But I do.

Raja Narendra Nath : That is my view. I took about 50 minutes of the sub-Committee's time over my speech, and this is all the point that I made. I do not see why that should be omitted altogether. By all means put the contrary view if you like.

Sir A. P. Patro : If individual expressions of opinion are to be added in every Report, it will not be a Report at all. It is only a general reflection or summary of what took place. It cannot be what A and B and C said. All that could not be incorporated in the Report. The point of view expressed in the Report would be what is a general summary of the impression to be gained from the individual speeches. Therefore I would request Raja Narendra Nath not to press his view, otherwise every individual view has to be recorded in the Report. It will not be a Report. It will burden it and destroy the effect of the Report by the very weight of these individual statements.

Raja Narendra Nath : This was one view which was put forward, and I say that in order to bring the Report into conformity with the facts this view ought to be stated. That is all that I want.

Mr. Zafrullah Khan : The only report that could be in conformity with the facts would be the shorthand notes. You could put all that in.

Lord Reading : I should like to point out, if I may, that something of this kind arose in the Federal Structure sub-Committee. The Lord Chancellor started by taking down very freely all kinds of things that were suggested, but he had to tell us before lunch, when there was a great deal more to come, that he had already got three and a half times the volume of the Report in the notes he had to take of suggestions of this kind. There is, of course, no end to it.

Chairman : We really cannot put in individual views. So far as the Report is concerned, you must judge whether it really indicates the big issues that were placed before us, not the reasons why these issues were supported or opposed ; because, if you start that, I must begin and go round the table and ask each of you individually and separately what are your views which you wish recorded under paragraph 4 and there will be no end to it.

Raja Narendra Nath : It is not my view, but the view of a large class I represent, and also the view of a large class of Muhammadans.

Sir Muhammad Shafi : It is not the view of any one of the Mussalmans present here.

Chairman : I will put it to you : Do you wish this Report to be altered in such a way that individual opinions may be entered if that is claimed by those who gave expression to them either in ten minute speeches or in fifty minute speeches ? You do not wish that ? Then that is agreed.

We pass to paragraph 4.

Sir Muhammad Shafi : With your permission, Mr. Prime Minister, I should like to make a suggestion with regard to paragraph 4. The second sub-paragraph of paragraph 4 begins with these words : " Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood ". Now, that is a recital of a fact, and that fact, if I may venture to say so, is not correctly stated, for none of us on this side is prepared to admit the correctness of this. I would, therefore, venture to suggest the addition of three words, which would make this unobjectionable from our point of view. I suggest that it should read : " Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood *in western countries.*" I shall have no objection if you will put that in.

Chairman : I understood that our Mussalman friends quite agreed that, if the conditions did exist, this would be a better method than the method which circumstances unfortunately force upon us.

Sir Muhammad Shafi : I quite agree that if in India the same conditions existed as exist in western countries that would no doubt be true.

Sardar Ujjal Singh : The words " in the abstract " cover your point of view.

Chairman : Does not " in the abstract " cover you ?

Sir Muhammad Shafi : It is in the Minutes ; that will do.

Dr. Ambedkar : I wish to suggest an amendment to the second sub-paragraph of paragraph 4. After the words " depressed classes " I should like to have the words added " barring a short initial period ". It would read " and would be acceptable to the depressed classes barring a short initial period."

Chairman : I understood you accepted it provided there was adult suffrage ?

Dr. Ambedkar : I said that for ten years we should have separate electorates whether there was adult suffrage or not.

Chairman : " and would be acceptable to the depressed classes after a transition period " ?

Dr. Ambedkar : Yes.

Chairman : Do you agree that makes it more accurate ?

Mr. Chintamani : Are we to delete the proviso " provided the franchise was based on adult suffrage " ?

Chairman : No, we cannot alter the speeches that were made. But what Dr. Ambedkar said—he will correct me if I am wrong—was that if there is to be no adult suffrage then they must claim separate electorates, but if there is adult suffrage then, after a transition period, they would abandon them. I cannot allow the accuracy to be altered.

We will pass from paragraph 4. Is there anything on paragraph 5 ?

Paragraph 6 says : " Nomination was unanimously deprecated ". I rather gathered that that was so, and I put this in to make sure.

To paragraph 7 there is an amendment. Raja Narendra Nath suggests that after the first two lines of paragraph 7 we should add these words : " It was also urged that seats reserved for a minority community should in no case be less than its proportion in the population ". If that amendment is made it will read : " Joint electorates were proposed with the proviso that a proportion of seats should be reserved to the communities. It was also urged that seats reserved for a minority community should in no case be less than its proportion in the population ".

Sir Muhammad Shafi : That has nothing to do with this paragraph.

Major Stanley : It comes in best in paragraph 5, after the words " fixed proportions of seats ".

Chairman : " Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats ". That is paragraph 5. It would come in better there.

Raja Narendra Nath : Very well.

Chairman : Paragraph 5 says : " Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats." After that would come your proviso.

Raja Narendra Nath : I am quite agreeable to that.

Chairman : Would that be all right, Lord Reading ?

Raja Narendra Nath : I am quite agreeable.

Chairman : You agree that there should be an amendment to this effect. We may have to alter it. I will give you the amendment again as it is not in front of you. The amendment is : " It was also urged that seats reserved for a minority community should in no case be less than its proportion in the population." That is so obvious.

Dr. Ambedkar : It is not always obvious, because there is such a scramble for weightage, and so on.

Chairman : No ; but if it was said " shall not be more," then that would affect weightage ; but if you say it shall not be less, that does not affect weightage at all ; that leaves it where it is. But I would like to warn you, because I want to be quite impartial in this, that if any community has got, say, 13 per cent. of the population, it will be inconsistent with this declaration that it should be offered 11 per cent. of the representation.

Sir Muhammad Shafi : That is what I was going to say ; that is the objection I was going to raise.

Lord Reading : It is only the record of a contention ; that is all you want.

Chairman : We can put it in as a record. It will go in at 5.

Lt.-Col. Gidney : How does that affect a very small community ?

Chairman : It is not going to affect it at all, because it is only a contention ; it is not a finding of this Committee. 7 ; *Agreed.* 8 ; *Agreed.* 9 ; *Agreed.* 10 ; that is just a record. 11.

Mrs. Subbarayan : On No. 11 we would like a slight alteration to be made ; in lines 7 and 8 instead of " it was suggested," we would like it to be " it was urged."

Chairman : That alteration is made : " it was urged."

Mrs. Subbarayan : We want it to read as follows : " it was urged that 5 per cent. of the seats in the first 3 Councils should be reserved for women and it was suggested that these should be filled by co-option." The second is a suggestion, Sir.

Chairman : " It was urged that 5 per cent." so-and-so, and " it was suggested that they should be filled by co-option." That is the alteration ?

Mrs. Subbarayan : Yes.

Chairman : That alteration will be made, because you made the suggestion, and if you say that is what you said, that is final. Now 11. 12.

Dr. Ambedkar : Sir, I should like to have the following words added to paragraph 12 in the beginning : " The minorities and the depressed classes were definite in their assertion that they would not consent to any self-governing constitution for India unless their demands were accepted." And then you can proceed : " there was general agreement with respect to recommendations," and so on. Speaking for myself, I think I made it very clear at the time when I delivered my speech in this Committee that unless we were assured that we were safe in the new constitution, we could give no consent to any constitution involving the principle of responsibility. If other communities do not care to join in this, it would go as my own statement on behalf of the Depressed Classes.

Lt.-Col. Gidney : I join in that statement too, Sir.

Chairman : Of course, the statement as a matter of fact was made, and it was made in a representative way, not merely as an individual statement. But if that is put in in this report, you will observe the effect of it, that one or two of you will be able to say : " Our claims have not been satisfied." It is not a decision of this Committee, but it does put obstacles in the way of anything being done unless everybody says they are satisfied with what is being done. Whether you think it is wise to take that statement, undoubtedly made to the Committee, and put it in such a position as makes it necessary to record it in the report which the Committee sends to the Conference, is for you to say. I do not object at all, as a matter of record.

Lord Reading : It is rather difficult to see what part it plays in this particular paragraph ; this is dealing with the Executive, and the only point which is mentioned about the new constitution is in regard to the successful working of it.

Dr. Ambedkar : My position is this, Sir, that speaking for myself, I do not merely make a statement, and I do not want the record merely to say that I made certain demands ; I want the report also to record the strength of feeling that is in my mind behind this ; that it is not merely a demand which I made merely to be accepted or rejected, but I said that the acceptance of these demands was conditional on the acceptance of this.

Lord Reading : I do not see how it can come in this paragraph at all.

Dr. Ambedkar : It may come in anywhere. As it was dealing with general agreements, I thought these few lines might come in appropriately at the top of this paragraph. If you do not think it is suitable, I have no objection.

Chairman : I do not think it can come in here ; I do not see how you can work that in here. You could raise it again. It is really what we should call in a Bill before the House of Commons a new clause and not an amendment to a clause. 12.

Dr. Ambedkar : In the third line it reads in this way : " that the representation on the Provincial Executives of important minority communities, i.e. Hindus, Muhammadans and Sikhs, was a matter of the greatest practical importance. . . . . " My amendment is this, that we should delete the word " important," because I do not want any discrimination made between minorities and minorities, that you should not mention any minority by name, and that if you are going to do so, then you must mention all the minorities.

Dr. Moonje : That is exactly what I was going to say.

Chairman : As a matter of fact, the reason why these words were put in is that they are in the report to which reference is made. What is the amendment ? We are not going to put in anything that you do not agree with. " That the representation on the Provincial Executives of minority communities " ?

Dr. Ambedkar : Leave it there. Delete " Hindus, Muhammadans and Sikhs ".

Chairman : Let us see what it means. It would then read : " that the representation on the Provincial Executives of minority communities was a matter of the greatest practical importance for the successful working ", and so on.

Dr. Ambedkar : Yes.

Chairman : That means that every minority community, if it is 8, 9, 10 or 12, must have a representative upon the Executive.

Dr. Ambedkar : No ; I would then add : " as far as possible leaving discretion to the Governor ". I should not like any community to be specifically mentioned.

Lord Reading : Surely you must look and see what this says : " There was general agreement with the recommendation of sub-Committee No. II (Provincial Constitution "). Then it goes on to quote it.

Dr. Ambedkar : It should not.

Dr. Moonje : My suggestion was a small one, but perhaps it might meet Dr. Ambedkar's point of view. It was on the same lines : " important minority communities, i.e., Muhammadans, Sikhs, Depressed Classes." That was my small amendment.

Lord Reading : Then the others will have to come in.

Sir A. P. Patro : The depressed classes are not Hindus ? Will you cut off the depressed classes ? With due respect, I say there are depressed classes who would simply revolt at the suggestion that they are not Hindus. In Southern India, if Dr. Ambedkar comes and says they are not Hindus, then I do not know what position Dr. Ambedkar will have in Southern India.

Dr. Ambedkar : We are not discussing that here.

Sir A. P. Patro : Therefore I say representation consistent with facts and experiences.

Chairman : I have referred to the report to which reference is made. " Hindus, Muhammadans and others " I am told was put in by way of illustration, and these words do not appear in the report.

Sir Muhammad Shafi : That is what I was going to say.

Chairman : Just one minute. The word " important " does—" that the representation on the Provincial Executives of important minority communities ". Therefore " important " will have to stand.

Members : Yes.

Chairman : But "Hindus, Muhammadans and Sikhs" will have to go out ; they have no business to be there.

Dr. Ambedkar : Just before you go from that, Sir, I should like to draw attention to the words "working of the new constitution and it was also agreed that on the same grounds Muhammadans should be represented on the Federal Executive." The words "important minorities" should replace the word "Muhammadans" there—I mean, in keeping with what we are saying in the beginning.

Chairman : Oh, yes : "It was also agreed on the same grounds that "—

Dr. Ambedkar : — "they should be represented also on the Federal Executive."

Chairman : "That important minorities should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives or that, failing this, in each cabinet, there should be a minister specially charged," and so on. That is exactly what was put forward.

Lord Reading : Yes.

Chairman : Officially.

Rao Bahadur Pannir Selvam : I should say, "such representatives being specially charged with the duty of protecting minority interests." I urge this because of the demands made by the various communities to be given representation, and to meet the difficulty of having too many minor communities also to be catered for it was suggested that they might be all classed together and given one representative who will be in charge particularly of minority communities.

Chairman : There were two claims made. The claim was for communal representation, and then, failing that—supposing, in other words, that that was found to be impracticable—there was the claim that in each cabinet there should be a minister specially charged with the duty of protecting minority interests.

Rao Bahadur Pannir Selvam : It is the alternative that I object to, Mr. Prime Minister, and therefore this means that the whole paragraph might in future lead to this interpretation—that provided you saw that important minorities are satisfied—the other minorities would really be given no place at all at any time. It might even be construed as meaning that the constitution never intended them to have protection at all.

Chairman : It could not be construed in that way, if you read it ; and, besides, it is only a statement of what was claimed. We are not passing this as our verdict. You are passing this as a correct record of the claims.

Chairman : 12.

Sir Muhammad Shafi : Mr. Prime Minister, how does this sentence now stand—"and it was also agreed that on the same grounds Muhammadans should be represented" ?

Chairman : "Important minorities."

Sir Muhammad Shafi : I have no objection to the words "and on the same grounds Muhammadans and other minorities." I have no objection to that, but during the course of the discussions it was agreed that Muhammadans should be on the Federal Executive, and I am not prepared to agree to the elimination of the word "Muhammadans."

Mr. Joshi : I think that is a correct record, as Sir Muhammad Shafi says.

Sardar Sampuran Singh : I have no objection to the word "Muhammadans" remaining, and also "and other important communities," but that would be superfluous, because when you mention "important minorities" we think first of all of Muhammadans as the most important minority in India. That is the first one which comes, and I think, keeping that fact in view, there cannot be any other important minority in India if the Muhammadans are not one. Naturally they will always come the first, so that will be superfluous. So far as the general spirit is concerned I think in those words you come in most emphatically.

Mr. Joshi : But if that is only superfluous, and it satisfies you. why not have it there to satisfy particular people.

Diwan Bahadur Ramachandra Rao : This is Federal Executive, not Provincial.

Chairman : It only applies to the Federal Executive.

Diwan Bahadur Ramachandra Rao : I am strongly against committing myself to the fact that all important minorities should be represented on the Federal Executive, because great embarrassment might come in by refusing representation. I agree with my friend that the position that was taken up was that the Muhammadans were the most important minority in India, and that they should be represented. That is a thing which I could really understand, but to commit ourselves here and now to the statement that all important minorities should be represented on the Federal Executive, I am sure, Sir, will destroy the constitution. I strongly object to that statement.

Chairman : As a matter of accurate recording, the use of the word "Muhammadans" is perfectly right.

Sir Muhammad Shafi : Federal stands on a special footing.

Mr. Joshi : We agree.

Chairman : "Muhammadans" stands.

Mr. Joshi : Yes. I agree to that.

Dr. Ambedkar : Then you must add to "Muhammadans," "and other important minorities."

Chairman : No, you cannot. That was the claim.

Dr. Ambedkar : May I not say so for myself ? Speaking for myself, I speak on behalf of the depressed classes as well.

Mr. Joshi : It is not agreed. You did not make the claim.

Dr. Ambedkar : It is not a question of whether I did or not.

Chairman : Now, now we are doing business, and it is two minutes to eleven.

Dr. Moonje : I would ask, instead of the word "agreed," that we should say, "it was also claimed that on the same grounds," and so on.

Sir Muhammad Shafi : No, no, it was agreed. That is a matter of fact.

Dr. Moonje : I do not know what took place in the Federal Structure Committee.

Sir Muhammad Shafi : The record shows it.

Dr. Moonje : But here, of course, I do not agree with that point.

Sir A. P. Patro : That is accepted, and it goes to the next paragraph.

Dr. Moonje : A claim was put in.

Chairman : The statement was made that the Muhammadans should be recognised, and to that, according to the minutes, there was an agreement, and that has just been lifted out of the records.

Mr. Joshi : The records of this Committee ?

Lt.-Col. Gidney : I made a distinct statement on this matter when we had this before the plenary session, and I made a statement to this effect—that it is all very well for the larger communities to demand certain things, but the minorities wanted some representation.

Chairman : That is in.

Lt.-Col. Gidney : This is only an alternative.

Chairman : Oh, no, it is not. The sentence gives an alternative, but it says the claim was made that there should be either representation of the minorities direct, or, failing that—that is, if that is impossible—then .....

Lt.-Col. Gidney : That is all we want.

Rao Bahadur Pannir Selvam : "Failing this" might be replaced by "if this should be found impossible."

Chairman : Yes, instead of "failing this," "if that should be found impossible." There is no reason why that should not be substituted, "if this should be found impossible."

Lord Reading : What is the difference ? We are spending time over interchangeable phrases, that is all.

Sardar Ujjal Singh : Make provision for any other communities in the Federal Executive, and insert the words "important minorities" there. We might make some provision, somehow or other, not necessarily, but provision must be there.

Chairman : May I bring you up against the hard facts of the situation. You cannot, on a Federal Executive, have every minority.

Dr. Ambedkar : Let me make my position clear. In the Provincial Constitution, what we have done is, we have placed an obligation upon the Governor to endeavour to do it. He is not tied down, but in the endeavour he should certainly be allowed the freedom to select even from other important minorities. We are not tying him hand and foot in the making of the Constitution. All we have done is that we place an obligation on him not to select, but we place an obligation upon him merely to make an endeavour. Surely that is not tying him down hard and fast, and I submit that after the word "Muhammadans" the words "other important minority communities" should come.

Chairman : No, we have passed that point. We are now at the second point.

Sir A. P. Patro : May I refer to paragraph 13 ?

Dr. Ambedkar : I would suggest that my dissent be recorded from paragraph 12.

Sardar Ujjal Singh : After the word "Muhammadans" "other important minorities" should be added.

Lt.-Col. Gidney : Why close it to the other minorities ?

Chairman : I really must rule. As I have said already, we are not closing it to the other minorities. I am quite willing to discuss amendments on the words as they are, but really you must not raise false issues. This makes a claim that the other minorities shall also be represented, but if this should be found impossible—that alteration has been made—then there will be a Minister. That is an accurate record of the claims which were made. Paragraph 12 agreed.

Dr. Ambedkar : I think our dissent should be recorded.

Chairman : Very well. Paragraph 13.

Dr. Moonje : The following words appear in this paragraph, ". . . to reconcile the claims of the various communities to adequate representation in the Public Services." I suggest we should say "fair representation" and not "adequate representation."

Sir A. P. Patro : "Fair and adequate representation."

Chairman : These words are in, are they ?

Dr. Shafa'at Ahmad Khan : Yes.

Chairman : That amendment is made. Paragraph 14.

Sir Muhammad Shafi : I think the word "reconcile" might be made more clear. I do not think the word "reconcile" makes the position clear.

Lord Reading : What do you suggest ?

Chairman : This is not the authoritative pronouncement on Services.

Sir Muhammad Shafi : I am dealing with the word "reconcile."

Chairman : You had an example of it the night before last when I tried to reconcile you. Paragraph 14. There is an amendment.

Sir Hubert Carr : I should like to ask whether it is possible to make this a little more clear on behalf of the British community. In paragraph 2, the point is made as to how necessary it is that all minorities should have full confidence in the full constitution, and so on. As the claims of my community are, and have been generally admitted and agreed, I do not wish to suggest anything in the amendment which would import any question on other points. I think if this paragraph could be made fuller to take note of the points which have been, I think, agreed, it would make it very much easier for the British community to accept the Report as a whole without some of the reservations which I had to speak on yesterday. The problem we have is really a simple one. We only have to claim a few seats which have always been generously given to us, and which I think we have justified.

The civil and criminal law procedure which we have enjoyed, and which we shall enjoy with every one else except in one small matter, is another point to which we attach great weight, and we should like to have that mentioned. The endorsement of the claims which are mentioned here is really one method of giving effect to the rights which we claim. I do not think there was a note of dissent when I put forward these matters in Committee. I should very much like to see a paragraph stating that it was agreed. I think you have a copy of this, Mr. Chairman, "It was agreed that European British subjects should have the right of electing their representatives to the Legislature through separate electorates, and that the constitution would permit no changes to be made in the rights now enjoyed by them in the civil or criminal law."

Those are points which might be said to be accepted in paragraphs 3 and 1 of the Report; but it is the specific exceptions to which I attach considerable importance. Then include the paragraph which you have there.

H.H. The Aga Khan : You have the same rights as anyone else.

Sir Muhammad Shafi : In the eyes of the civil law we all stand on exactly the same footing.

Sir Hubert Carr : I will take out anything which is questionable.

Chairman : It is quite impossible for us at this late stage to adjust the difference between criminal rights and civil rights, and so on. The point is with regard to the word "urge" in line 2. It has been suggested that, as a matter of fact, it was agreed and not merely "urged."

Mr. Chintamani : The claims put forward by Sir Hubert Carr in his speech were not really discussed by the sub-Committee but it was engrossed with the Hindu-Muslim question to the exclusion of almost every other question. Some of these claims are non-contentious and everyone approved them, but other parts were open to discussion. Therefore I think it would be strictly accurate to say that all those claims were urged, not that they were accepted.

Diwan Bahadur Ramachandra Rao : Could not we say that they were carefully and sympathetically considered ? I think an assurance should be given with regard to this.

Chairman : You see paragraph 14 refers only to a commercial treaty. There is nothing on the record beyond that. I certainly understood there was an agreement about it, although the word " urge " had got in. I think it would be a great mistake at this stage to mix up all these other things with this, because we should have to have another sitting of the Committee to deal with that. You could put in something at the end to say that other claims were put forward and they will be subject to the continuing arrangements which are going to be provided for—the arrangements for continuing discussion, and so on.

Lord Peel : If I may, Mr. Prime Minister, I should like to say that the big question of the communal difficulties really occupied the whole of the time of the sub-Committee. You will remember that the sub-Committee was adjourned for an expression of views *sine die* at about 3.30, and then that other matter was discussed, so that there was really no opportunity of discussing this very important question which Sir Hubert Carr has brought forward ; and, though I cannot say the sub-Committee has agreed about it—because it was not fully discussed—I should like a note to be made of the fact that the opportunity was not given for that discussion.

Chairman : I do not think we can say these further things were agreed. The commercial treaty was mentioned.

Mr. Joshi : It was mentioned, but not agreed.

Chairman : Do you agree to the substitution of " agreed " for " urged " ? (Cries of dissent.)

Mr. Chintamani : I am quite willing that it should be said that this was urged, and that the sub-Committee thought that most sympathetic consideration should be given to these claims, but that there was no time for a detailed discussion of the various items.

Sir Hubert Carr : Unless it had been agreed I should have had to press for some other method of dealing with these rights, because our community would not be content to leave it merely to sympathetic consideration ; they are definitely rights which we claim to have and which we claim just as much as any other minority in India may claim rights.

Lord Reading : It is important something should be put in with regard to this, because it is a question affecting minority interests, and if it cannot be put as agreed it ought to be recorded that the claim has been made. For example, so far as the special criminal rights affecting Europeans are concerned, that certainly ought to find its place somewhere. It is a most important thing for Europeans, and Indians have agreed about it. We have had committees which sat on it and arrived at a conclusion, but it ought to be stated because otherwise it will make Europeans very uneasy.

Sir A. P. Patro : The relevant point here is paragraph 14, with regard to the British commercial community. Both Sir Tej Bahadur Sapru and Mr. Jayakar referred to the agreement on these matters, and everyone else seemed to be in agreement with them. The question of the Criminal Procedure Code has not come up for discussion, and that is a different matter, but the question dealt with in paragraph 14 was dealt with, so far as I can remember, during the discussions in the preliminary session, and agreed to by all sections represented there. It would be correct, therefore, to say that there was agreement on that. With regard to the special procedure under the Criminal Procedure Code, I think that question was not discussed at all, for it was not raised then ; and so far as that is concerned, I think it would be correct to say that it has now been urged that there should be special treatment.

Major Stanley : That is all that is asked.

Chairman : Let us divide the claim into two parts. There is first of all the commercial treaty, which I certainly understood was agreed. I should like to find out how many would object to the word " agreed " going in as regards the commercial treaty only. I will deal with the criminal procedure later. The only question that really seemed to come before us in a serious and full way was that of the commercial interests, and I understood we agreed to the statement of that part of the case. How many would object to the word " agreed " going in ?

Mr. Sastri : As far as my recollection goes, while there was a general desire that their rights should be guaranteed we were not agreed as to the means of doing so. I remember Sir Tej Bahadur Sapru suggesting the point could be met by a proper definition of citizenship. Mr. Jayakar and others referred to the subject, but they did not mention at all a reciprocal treaty with Great Britain.

Lord Reading : That was in the Federal Structure sub-Committee—the other sub-Committee.

Mr. Sastri : If there was an agreement, that agreement refers only to the point raised in the Federal Structure sub-Committee, because it was there that Sir Tej Bahadur Sapru and Mr. Jayakar spoke. It was not on this subject at all. In the Minorities sub-Committee I remember Sir Hubert Carr mentioned this point, but not a speech was made about it ; nobody referred to it at all except himself. To say it was agreed would be to go too far, I think, so far as the facts are concerned.

Chairman : It refers only to the point about the commercial treaty.

Mr. Sastri : Even that was not agreed ; nobody else referred to it.

Chairman : I thought a murmur of agreement went round, and that it was not referred to because it was supposed to be accepted. How many would object to the word " agreed " being put in instead of " urged " ? (Five or six members raised their hands.)

Lord Reading : I do not think it ought to be put in as agreed, because there are other ways of dealing with it.

Chairman : Then we will leave it as " urged " ; " On behalf of the British commercial community it was agreed that by a commercial convention concluded between Great Britain . . ." and so on.

Mr. Wedgwood Benn : We might say " guaranteed by a convention or otherwise ".

Chairman : " It was agreed that by a commercial convention concluded between Great Britain and India or otherwise "—would you agree to that ? Then that form of words will go in.

With regard to the other part of the scheme, we can say that in view of the time at our disposal it was found impossible to consider the arrangements suggested, and it has been remitted for sympathetic consideration later on.

Lord Reading : Yes, that is quite right.

Chairman : Do you agree to the gist of that ?

Mr. Chintamani : Are you referring to this proposed amendment ?

Chairman : No, I am now proposing an addition with reference to the criminal side of the question. I am suggesting that we should just record the claim which has been made, and then say that owing to the shortness of time and the pressing nature of other business it was impossible to consider it, and that it has been referred for further sympathetic consideration.

Sir Hubert Carr : I am grateful for that reference, but this is really a point which affects the individual in India and certain rights he partly gave away in a friendly discussion in 1922. He will feel very sore

if that question is now going to be put aside for sympathetic consideration. In 1922 we fixed on the present procedure by common agreement, and I think everybody agreed with the arrangement then made. I do not think that is a point we could be satisfied to leave for sympathetic consideration.

Sir A. P. Patro : It was not discussed at the meeting.

Chairman : If this is going to be discussed now I must adjourn this meeting, and I do not know what the result will be. We are already twenty minutes late for the meeting of the full Committee, but I am in your hands in the matter.

Sir Hubert Carr : You asked if anyone would object, and I do not think anyone can object to that. We have had it for the last eight years on a mutual arrangement.

Sir Provash Chunder Mitter : You confine yourself only to criminal procedure ?

Sir Hubert Carr : Only to that.

Chairman : You want it to be put in the constitution that no alteration shall be made either for the improvement or the worsening of the situation.

Mr. Joshi : I object to that ; it means asking for a perpetual restriction on the power of the Legislature, and I object to it.

Chairman : Now I must get a decision from you, because we must get on. Do you agree : There can be no opposition at all to a record of the fact that the claim was put in.

Sir A. P. Patro : Yes, there is no objection.

Mr. Joshi : No objection.

Chairman : But, then, unless we are going to have a meeting to discuss it, it can only be referred to ; it cannot be accompanied by a statement of agreement or settlement one way or the other.

Lord Peel : I think we ought to have another meeting in this case.

Chairman : Very well, then, we must have another meeting to discuss it, and you cannot finish on Monday.

Sir Hubert Carr : I am very sorry, Sir, but it really is a point of importance.

Lord Reading : I do not know whether we might ascertain whether there is any real difference of opinion on this, even though it has not been discussed, because all of us are aware of what happened. There was a Committee appointed on which Sir Tej Bahadur Sapru I remember certainly sat, and a number of Indian gentlemen, for the purpose of deciding it. An agreement was arrived at and it has worked ever since.

Lt.-Col. Gidney : I was on that Committee.

Lord Reading : That was in 1922 and no difficulty has arisen since. All I understand Sir Hubert Carr wants is that what was decided then should be continued and should now be accepted as agreed. I cannot myself conceive that there can be any question about it, and I would suggest, for the purpose of getting through with this, that that part is agreed as to the criminal side which has already been the subject of a Committee and agreed between Indians and Europeans. It makes a bad impression if it goes out here that you will not agree to that.

Sir Provash Chunder Mitter : Instead of postponing it, I think we might agree.

Chairman : On the criminal side.

Sir Provash Chunder Mitter : Yes, only on the criminal side.

Sir Hubert Carr : I am not particular about the wording, but the recognition is really vital.

Chairman : Well, do you agree to the substance of what Lord Reading suggests going in ?

Members : Yes.

Chairman : Then that is agreed to.

Members : Yes.

Chairman : Then we will see to the substance ; but the words which have been moved and put in front of me go a great deal further than that.

Lord Reading : I think they go a great deal too far. I was only asking it with regard to the criminal rights ; I cannot ask for more.

Chairman : Very well. 14 as amended. 15.

Dr. Ambedkar : Now, Sir, the amendment which I moved at an earlier stage I think may fitly go in in paragraph 15, at the end : " The minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-governing constitution for India unless their demands were accepted."

Chairman : I think you had better move that as a separate clause, as I said before, because you must not mix that up with the narrower point of Hindu-Muslim agreement. Then you can move an overriding clause covering the whole of the document. 15. 16.

Sir Muhammad Shafi : Mr. Prime Minister, was there any discussion on the sub-Committee ?

Chairman : On what ?

Sir Muhammad Shafi : The sentence begins : " the discussion on the sub-Committee has enabled —"

Lord Reading : The third word ought to be " in " not " on."

Chairman : Yes, " the discussion in." 16.

Sir Muhammad Shafi : There is one suggestion I should like to make on 16, which says " It has also been made clear that the British Government cannot with any chance of agreement impose upon the communities any change in electoral principle which in some feature or other would be met by their opposition." I suggest that the words " change in " should be eliminated. They are unnecessary and are liable to be misunderstood. I suggest it should read " agreement imposed upon the communities any electoral principle which in some feature or other."

Chairman : The point really was that it was suggested that we should change the present electoral system.

Sir Muhammad Shafi : But that is liable to be misunderstood.

Chairman : The point is that that indicates a *status quo* ; but I have no objection at all to taking the words out. You suggest that it should read " an electoral principle which in some feature or other " ?

Sir Muhammad Shafi : Quite.

Chairman : I am quite willing that that should be so, if that helps. " Any change in " comes out, and " an " takes its place. 16 as amended. 17 is the paragraph that is added.

Mr. Joshi : On paragraph 17, Sir, I do not approve of linking up labour and non-Muslims. It really makes the position of labour very difficult. If you put in non-Muslims and labour together, and Muslims on the other side, and bring about equality, it gives an inducement to the non-Muslims to oppose it.

Chairman : Then you suggest that the words " and labour " should come out '

Mr. Joshi : My amendment is that the words " and labour " should be taken out.

Chairman : Yes, I agree to that ; I accept that. Now 17.

Sardar Sampuran Singh : I point your attention Sir, to the words in the 4th line of this paragraph : " The point of disagreement was narrowed down to the allocation of one seat in a House of 134." I would request the deletion of this sentence, for two reasons. First of all, I do not admit its correctness, My second reason is that the meeting was informal and without prejudice, and this sentence as it stands prejudices our cause, because as a matter of fact the proposal was put but it was never agreed to.

Chairman : If one of the sides to the controversy says that this sentence prejudices their cause, then I think that is final, certainly so far as I am concerned. Because nothing that happened that night must be used to prejudice the cause of anybody who took part in the discussion.

H.H. The Aga Khan : The whole paragraph should be deleted.

Sardar Sampuran Singh : Yes, the whole paragraph should be deleted.

Chairman : Do you want the whole paragraph deleted ?

Sardar Sampuran Singh : Yes, the whole paragraph.

Chairman : I think the first sentence and the final sentence could remain.

Dr. Moonje : Yes, that would remain.

Sir Muhammad Shafi : The whole paragraph should go out.

Chairman : It is only a record. 17 is deleted. Now 18, which will then become 17. That this Report be presented to the Committee of the whole Conference. Those in favour? On the contrary? That is carried. Then it will go to the Committee of the whole Conference.

Dr. Ambedkar : Sir, there is my amendment.

Chairman : I beg your pardon ; I am so sorry.

Dr. Ambedkar : I should like to have this amendment put in as a separate paragraph after 16.

Chairman : Make it the last paragraph ?

Dr. Ambedkar : Yes.

Chairman : Then that is the overriding paragraph.

Dr. Ambedkar : My amendment is this : " That the minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-government constitution for India unless their demands were accepted."

Chairman : As a matter of fact that was said, and it was said in a responsible way ; it was not merely an individual expression of opinion.

Dr. Ambedkar : I think it should be in.

Mr. Joshi : I think labour cannot be regarded as a minority for that statement.

Chairman : I cannot rule it out.

Dr. Ambedkar : I would accept the words : " unless their demands are accepted in a reasonable manner."

Chairman : That makes it meaningless.

Dr. Ambedkar : Or " their reasonable demands are accepted."

Mr. Zafrullah Khan : Does anybody suppose that if the demands are not met in a reasonable way they are going to be pleased ?

Mr. Foot : It is only the record of a claim.

Chairman : It is only the record of a claim. That that paragraph should be added as paragraph 18, a new paragraph.

Sir Provash Chunder Mitter : In that case a further addition should be made to say whether they would come into the responsible parliament or not.

Chairman : No, they did not put that in their claim.

Sir Provash Chunder Mitter : They may not have done, but as we are going to add that, I say we ought to add something more.

Chairman : Your observation just made will be noted.

Sir Provash Chunder Mitter : All right, Sir.

Chairman : Now, that this be reported to the Committee of the whole Conference. Those in favour? On the contrary ? That is carried. Thank you very much for the way in which you have attended these meetings.

Sir A. P. Patro : I should like to thank you, Sir, for your very great patience, and though your patience has been tried to the extreme limit, I think you have managed the matter in so statesman-like a way that we are extremely grateful to you.

Sardar Sampuran Singh : I associate myself with that.

(*The sub-Committee rose at* 11.25 *a.m.*)

Sub-Committee No. III (Minorities).

REPORT PRESENTED AT MEETINGS OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH AND 19TH JANUARY, 1931.

(*With an amendment passed by the Committee of the whole Conference on 19th January*, 1931.)

1. The sub-Committee was set up to consider the claims of minorities, other than those incidental to the subjects referred to other Committees and was composed of the following members :—

Prime Minister (*Chairman*).
Sir W. A. Jowitt.
Lord Peel.
Major Stanley.
Lord Reading.
Mr. Foot.
H.H. The Aga Khan.
Maulana Muhammad Ali.
Dr. Ambedkar.
Sir Shah Nawaz Bhutto (after the death of Maulana Muhammad Ali).
Sir Hubert Carr.
Mr. Chintamani.
Nawab of Chhitari.
Mr. Fazl-ul-Huq.
Mr. Ghuznavi.
Lieut.-Col. Gidney.
K.B. Hafiz Hidayat Husain.
Mr. Joshi.
Sir P. C. Mitter.
Dr. Moonje.
Raja Narendra Nath.
Rao Bahadur Pannir Selvam.
Sir A. P. Patro.
Mr. Paul.
Mr. Ramachandra Rao.
Mr. Shiva Rao.
Sir Sultan Ahmed.
Sir M. Shafi.
Sardar Sampuran Singh.
Mr. Sastri.
Sir C. Setalvad.
Sir Phiroze Sethna.
Dr. Shafa'at Admad Khan.
Begum Shah Nawaz.
Rao Bahadur Srinivasan.
Mrs. Subbarayan.
Sardar Ujjal Singh.
Mr. Zafrullah Khan.
Captain Raja Sher Muhammad Khan and Nawab Sir Abdul Qaiyum (after the departure of Sir Sultan Ahmed and the Nawab of Chhitari).

2. The sub-Committee felt that the first task to which it should address itself was to have an authoritative statement of claims put in by the representatives of each community with proposals as to how their interests should be safeguarded. Opinion was unanimous that, in order to secure the co-operation of all communities, which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provisions designed to assure communities that their interests would not be prejudiced ; and that it was particularly desirable that some agreement should be come to between the major communities in order to facilitate the consideration of the whole question. Although this was very nearly accomplished, it has not yet succeeded, but the negotiations are to be continued both here and in India.

3. One of the chief proposals brought before the sub-Committee was the inclusion in the constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civil rights. (Mr. Joshi objected to the omission of reference to the economic rights of the various communities. Dr. Ambedkar called attention to the necessity of including in the constitution sanctions for the enforcement of the fundamental rights, including a right of redress when they are violated.)

4. The possibility was expressed that under certain conditions the election of the Legislatures might be from a general register, but no agreement was come to regarding these conditions.

Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood, and would be acceptable to the Depressed Classes after a short transitional period provided the franchise was based on adult suffrage, the opinion was expressed that, in view of the distribution of the communities in India and of their unequal economic, social and political effectiveness, there was a real danger that under such a system the representation secured by minorities would be totally inadequate, and that this system would therefore give no communal security.

5. Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly three : (1) nomination, (2) joint electorates with reservation of seats, and (3) separate electorates.

6. Nomination was unanimously deprecated.

7. Joint electorates were proposed, with the proviso that a proportion of seats should be reserved to the communities. Thus a more democratic form would be given to the elections, whilst the purpose of the separate electorate system would be secured. Doubts were expressed that, whilst such a system of election might secure the representation of minorities, it provided no guarantee that the representation would be genuine, but that it might, in its working, mean the nomination or, in any event, the election of minority representatives by the majority communities.

It was pointed out that this was in fact only a form of community representation and had in practice all the objections to the more direct form of community electorates.

8. The discussion made it evident that the demand which remained as the only one which would be generally acceptable was separate electorates. The general objection to this scheme has been subject to much previous discussion in India. It involves what is a very difficult problem for solution, viz., what should be the amount of communal representation in the various Provinces and in the Centre ; that, if the whole, or

practically the whole, of the seats in a Legislature are to be assigned to communities, there will be no room for the growth of independent political opinion or of true political parties, and this problem received a serious complication by the demand of the representative of the Depressed Classes that they should be deducted from the Hindu population and be regarded, for electoral purposes, as a separate community.

9. It was suggested that, in order to meet the most obvious objection to the earmarking of seats to communities, only a proportion should be so assigned—say 80 per cent. or 90 per cent.—and that the rest should be filled by open election. This, however, was not regarded by some of the communities as giving them the guarantees they required.

10. The scheme proposed by Maulana Muhammad Ali, a member of the sub-Committee, whose death we deplore, that, as far as possible, no communal candidate should be elected unless he secured at least 40 per cent. of the votes of his own community and at least 5 or 10 per cent., according to arrangement, of the votes of the other community, was also considered. It was, however, pointed out that such a scheme necessarily involved the maintenance of communal registers, and so was open to objections similar to those urged against separate electorates.

11. No claim for separate electorates or for the reservation of seats in joint electorates was made on behalf of women who should continue to be eligible for election on the same footing as men. But, in order to familiarise the public mind with the idea of women taking an active part in political life and to secure their interim representation on the Legislature, it was urged that 5 per cent. of the seats in the first three Councils should be reserved for women, and it was suggested that they should be filled by co-option by the elected members voting by proportional representation.

12. There was general agreement with the recommendation of sub-Committee No. II (Provincial Constitution) that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that, on the same grounds, Muhammadans should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible, in each Cabinet there should be a Minister specially charged with the duty of protecting minority interests.

(Dr. Ambedkar and Sardar Ujjal Singh would add the words "and other important minorities" after the word Muhammadans in line 6.)

The difficulty of working jointly responsible Executives under such a scheme as this was pointed out.

13. As regards the administration, it was agreed that recruitment to both Provincial and Central Services should be entrusted to Public Service Commissions, with instructions to reconcile the claims of the various communities to fair and adequate representation in the Public Services, whilst providing for the maintenance of a proper standard of efficiency.

*14. On behalf of the British commercial community it was urged that a commercial treaty should be concluded between Great Britain and India, guaranteeing to the British mercantile community trading rights in India equal to those enjoyed by Indian-born subjects of His Majesty on the basis of reciprocal rights to be guaranteed to Indians in the United Kingdom. It was agreed that the existing rights of the European community in India in regard to criminal trials should be maintained.

15. The discussion in the sub-Committee has enabled the Delegates to face the difficulties involved in the schemes put up, and though no general agreement has been reached, its necessity has become more apparent than ever.

16. It has also been made clear that the British Government cannot, with any chance of agreement, impose upon the communities an electoral principle which, in some feature or other, would be met by their opposition. It was therefore plain that, failing an agreement, separate electorates with all their drawbacks and difficulties, would have to be retained as the basis of the electoral arrangements under the new constitution. From this the question of proportions would arise. Under these circumstances, the claims of the Depressed Classes will have to be considered adequately.

17. The sub-Committee, therefore, recommend that the Conference should register an opinion that it was desirable that an agreement upon the claims made to it should be reached, and that the negotiations should be continued between the representatives concerned, with a request that the result of their efforts should be reported to those engaged in the next stage of these negotiations.

18. The Minorities and Depressed Classes were definite in their assertion that they could not consent to any self-governing constitution for India unless their demands were met in a reasonable manner.

Signed on behalf of the sub-Committee,

J. RAMSAY MACDONALD.

St. James's Palace, London.
16th January, 1931.

* The Committee of the whole Conference at their meeting on 19th January, 1931, substituted the following for paragraph 14 :—

"At the instance of the British commercial community the principle was generally agreed that there should be no discrimination between the rights of the British mercantile community, firms and companies, trading in India and the rights of Indian-born subjects, and that an appropriate convention based on reciprocity should be entered into for the purpose of regulating these rights.

It was agreed that the existing rights of the European community in India in regard to criminal trials should be maintained."

APPENDIX II.

SUB-COMMITTEE NO. III.
(MINORITIES).

THIS LETTER TO THE PRIME MINISTER FROM THE LATE MAULANA MUHAMMAD ALI WAS DICTATED AND REVISED BY HIM, THOUGH NOT ACTUALLY DESPATCHED, BEFORE HIS DEATH. IT WAS CIRCULATED TO THE MINORITIES SUB-COMMITTEE AT THE REQUEST OF THE PRIME MINISTER.

HYDE PARK HOTEL,
LONDON,

1st January, 1931.

To The Prime Minister.

SIR,

It is with a desire to place my views on record before His Majesty's Government and before the British Parliamentary Delegates, as well as the Indian Delegates (who to some extent already know my views), that I have solicited the favour of your kindly sending me my old friend Sir Geoffrey Corbett of Chhindwara fame to be present when notes could be taken down of what I said on the subject of my views about minorities of which Committee I am a member.

In the first place it is a misnomer to call the Hindu-Muslim question a question of minorities. There are certainly minorities in India, and we must provide for them in such a way that they should feel that the future Government of India is not going to be a government only of one or two communities, but the government of all Indians irrespective of creed and caste. Nevertheless the one hitch in the way of the recognition of India's responsibility with a government of her own is the question not of these minorities but the deep-seated differences that divide the Hindus and Muslims. The fact is so obvious that I need not go into history, nor even present statistics, but I wish to emphasise one or two points which will distinguish the case of Hindus and Mussulmans from the case of the minorities. First of all the Mussulmans ruled over India from the beginning of the eight century to about the middle of the nineteenth in one way or another and in one region or another, which no other community can claim in the same manner. The Sikh rule for a generation in the solitary province of the Punjab, the result of an accident—I say this without any derogation of the valour of the Sikhs and of the high respect I feel for their organisation as a panth—nor the depredations of the Mahrattas and their confederacy, are any parallel to the history of the Mussulmans in India. Whether by conquest or by diplomacy the Muslim rule had passed finally from the hands of the Mussulmans to those of the British, barring, of course, the rule of the Indian States, many of which remain from time immemorial, great and distinguished Hindu principalities tracing their origin even from the sun and the moon. Whatever the relations of the Mussulman power as suzerain or as the paramount power to these Hindu States, there is not the least doubt that they retained not only for the most part a deep feeling of loyalty towards the Muslim power, but also a degree of independence which they have more recently lost since the transference of Muslim power into British hands. Other States are, of course, the creation of the times during the break-up of the Mughal Empire which have been recognised by the British. Some, like Hyderabad, were larger powers at the time of the original treaties than the East India Company of which they became faithful allies and others were smaller, but with that I am not at present concerned.

What I desire to sketch is that rightly or wrongly the Mussulman community ruled over India in one way or another from the eighth to the middle of the nineteenth century in some part of the country or another and that no other community has anything like that record.

A very important result of that with which we have to deal to-day is the feeling created by the record of Muslim rule for so long over so large a part of India. There is hardly a community that has not a real or an imaginary grievance against the old Muslim rulers and what we know of human nature elsewhere brings it home to us that even to-day there is a feeling of "revanche" harboured against the Mussulmans in the minds of some Hindus and some members of other communities which is not the case against any other community whether Sikh or Mahratta or Rajput. It is with this feeling that we must deal, and against which we must provide safeguards for the future when framing a constitution for an ideal Indian Government in which all would feel safe, equal and free.

The next consideration is that the Mussulmans constitute not a minority in the sense in which the last war and its sequel has habituated us to consider European minorities. The League of Nations deals with minorities and our Indian savants and professors easily borrow maxims from the League of Nations and its dealings with minorities and with mandates and want to guide India from Geneva when really it is India itself that can provide far better guidance for Geneva. A community that in India alone must now be numbering more than 70 millions cannot easily be called a minority in the sense of Geneva minorities, and when it is remembered that this community numbers nearly 400 million of people throughout the world, whose ambition is to convert the rest of mankind to their way of thought and their outlook on life, and who claim and feel a unique brotherhood, to talk of it as a minority is a mere absurdity.

Keeping these two main facts in mind let us now proceed with the problem that we have before us. It was proposed by a member of the Hindu Mahasabha in the Round Table Conference delegation that the Prime Minister should act as an arbitrator between the two communities, which was no doubt very flattering to the Prime Minister, but which would have made his position far too invidious, and he naturally declined the offer with thanks, and I feel certain that he must have seen through the motive that prompted the suggestion. We have heard suggestions of the matter being referred to the League of Nations. That would mean washing the dirty linen of India before the whole world. As it is, we are disgusted with the fact that the Indian Round Table Conference has been made the *Dhobi Talao* (the washerman's tank) of Indian communalism. This question should have been settled in India. We who worked for ten years through thick and thin with Gandhiji pressed that upon him, but the desire of retaining Hindu popularity for himself and for Pandit Motilal Nehru (who, I am sorry, are absent) prevented a settlement. Sir Tej Bahadur Sapru tried his utmost to have a Hindu-Muslim settlement when the Congress at our urgent request in December, 1928, failed to do so, and Sir A. P. Patro was most keen. But the Hindu Mahasabha pretended to share this desire with the Liberal Hindus and the Mussulmans at first and after postponing meeting after meeting absolutely refused to take any part in the Conference at Bombay and Dr. Moonje was quite frank about his refusal to do anything to arrive at a settlement in India before the Round Table Conference. The Congress followed the Hindu Mahasabha in refusing even to come to the Round Table Conference for a settlement when a settlement was inevitable before an Indian constitution could be framed. But three members of the Hindu Mahasabha nevertheless came over, and in spite of every effort of Mussulmans and the Hindu Liberals have defeated the settlement so far. It is not for me to say how much time they have usurped in

all these conciliatory talks both among the Hindus and Mussulmans themselves and with the Prime Minister. I think the Prime Minister can judge that better for himself. Now that a formal committee has been formed for this purpose it is essential that the case for a settlement should be clearly stated.

In the first place, I would like with the greatest courtesy and friendliness to warn the Prime Minister that it is not a case of the Punjab or Bengal, as he seems to imagine, nor of reducing the figure of 110 in the Punjab to 100 or anything like it, as he seems to think when he was making his conciliatory efforts at The Chequers. The entire question is, as I suggested in my speech in the Plenary Conference, that for the first time in the history of India we intend to introduce into India majority rule, and those who have been usurping the control of the destinies of those called Hindus for so many thousands of years do not want that there should be any majority Indian or Hindu except that which they can control precisely as they have controlled the Hindus for thousands of years. Let me add that there is one important difference. Sir John Simon is somewhat out of date when he refers with the late Sir Valentine Chirol to Brahmin rule. The Brahman had at least taught the people and had at least the mistaken notion that he brought salvation to people in the next world. The small monopolistic caste that desires to remain in control of the destinies of the Hindu community and that being the majority community, of the Indian nation as a whole through it—is the caste not so much of Dr. Moonje and Raja Narendra Nath, but of the Banya who has no conception of the salvation of anybody in the next world, nor even of the teaching of anyone in this. I am more anxious than any Indian perhaps to get rid of the foreign incubus, if I may be forgiven to say so, of "a nation of shopkeepers" controlling our destinies. But as I wrote to His Excellency the Viceroy in reply to the invitation of His Majesty's Government to me to this Conference I do not wish to create a home-made incubus of a *caste* of shopkeepers of our own. To my mind most of the agitation to-day is being financed, and partly for selfish reasons by the banias of Bombay and Jujrat, and although I have always laughingly said I do not care a tuppenny damn for 1/4 or 1/6, the fight to-day is not so much for the freedom of India as for 1/4 against 1/6. This may be entirely justified but it is not the fight for India's freedom in its larger sense.

Now to deal with the Hindu-Muslim problem. It is not a provincial question. In every province Hindu and Muslim sentiment vis-a-vis each other is more or less the same. The Mussulmans lost the control of India nearly three generations ago and the British gained it mostly from the Mussulmans, though to some extent from the Mahrattas who were the Mayors of the Palace in Delhi and partly from the Sikhs in the Punjab whom the British themselves encouraged to rule there against the Mussulmans because of their own war with Afghanistan. Now India wants to regain that control, and the Mussulmans as we showed ten years ago have not been lacking in self-sacrifice for this purpose. To-day some Mussulmans are still taking part in the Congress movement, but they are men who are doing it more out of the habit of freedom that we ourselves helped to create ten years ago, or out of fashion than otherwise. Many have kept away from the movement of Civil Disobedience as they had kept away from Non-co-operation ten years ago, even when Turkey was involved in the question. Without exaggerating our own importance we can say that it is not these people, many of whom have been selected as delegates to the Indian Round-Table Conference by His Majesty's Government or by the Government of India, or by local Governments and officers—whoever does it—that have exercised much influonce in keeping the Mussulmans away from joining the Congress again as they did with us ten years ago. Even though we have to say it, it is we who had to fight the battle practically in every province, and to a very large extent indeed we succeeded in keeping the Mussulmans out, because we showed to them that the last movement was a truly national movement, while in the present movement I regret to have to say in their absence, Gandhiji and Pandit Motilal Nehru have both surrendered for the sake of their popularity to the Hindu Mahasabha. Now that we have come here, I am the only representative of my party—in spite of my long correspondence with His Excellency the Viceroy on the subject while I was lying ill in India before the final selection was made—to represent it in the Round Table Conference, and more than any one else among the Mussulmans it will be I—and of course my brother—who on our return will be asked by the millions of Mussulmans what we have brought back for the Mussulmans. Well, we want to go back not with separate electorates only, nor with weightage only for the Mussulmans but with freedom for India including freedom for the Mussulmans and unless we can secure that I can assure the Prime Minister that the Mussulmans of India will join the Civil Disobedience movement without the least hesitation no matter what we may say and what the other Muslim Delegates may say.

Freedom for India is not separate electorates, though, being one of the authors of the separate electorates in 1906, I shall be the last to surrender them. Let me first say what is the use of separate electorates. A separate electorate gives to the Mussulman client in the case he is fighting the counsel that he selects himself and can trust. In every law court every client is permitted to do that even though some times he is provided with counsel at Government expense. The other party is certainly never allowed to choose his counsel for him. If there had been an independent and impartial judge all that we would have needed would have been a trustworthy counsel, and that was just what was provided a generation ago for us so wisely by Lords Morley and Minto. There was no idea in the mind of Lord Morley to give India anything like a Parliamentary British Government. There was the official bloc. There was in the Government of India the British official majority and it was admittedly kept there to show that there was no idea of the introduction of Parliamentary Government into India. Each community presented its case as a client before the judge and it was the judge that decided. We could only influence, never guide and advise him. Therefore all that was needed was a trustworthy counsel selected by the client himself, which we did through the separate electorates.

Even then somehow by accident, if not by design, Lord Minto had provided not only for the needs of the present, but also something for the prospects of the future. The separate electorates had been provided only to *supplement*, though, to a very large extent, the deficiency that the Mussulmans were expected to encounter through the narrowness of the Hindu majority in their representation through the general territorial electorates. Lord Morley had not deprived the Mussulmans of their share in the mixed electorates themselves. That was a fatal mistake that was made at the urgent suggestion of our Hindu friends in 1916 at Lucknow when we two brothers were interned in Chhindwara and could take no part in the politics of the Lucknow Muslim League and the Congress. For the first time separate electorates became the only resource for Muslim representation.

Another grave mistake that was then made, for which the Mussulmans have now been crying their eyes out for the last fourteen years was the substitution of Muslim minorities in the Punjab and in Bengal for the small Muslim majorities. Had our friends the least vision of the future they would not have given the Punjab a practical and Bengal a deliberate and a small minority. *It is to rectify these mistakes that the Round Table Conference is practically being held. Let there be no mistake about it!* This is what His Majesty's Government and the Prime Minister should primarily understand. It is with this that I should have begun this long dissertation; but I am glad I have come to it now after *clearing the site for laying down the foundation* and I will not take very long. The real problem before us is to give full power to

Mussulmans in such provinces as those in which they are in a majority, whether small or large, and protection to them in such provinces as those in which they are in a minority, and in order to be absolutely fair to the Hindu community also, precisely the same thing must be done with the Hindus. What is needed is to give power to a community which is in a majority in any province no matter how small or how large it may be, and protection to it in province no matter how large or small it may be. The Mussulmans desire—*and this is the crux of their* 14 *points* and NOT *separate electorates*—that there should be federal government so that the central unitary Government with a permanent Hindu majority should not override them everywhere ; that they should have at least a third of the British Indian representation in the Federal Government, that in the provinces of the Punjab and Bengal where they have small majorities in population which are unorganised, and greatly controlled by the Banyas and the Sikhs and the Hindu landlords, as in Bengal, these majorities should be reserved (personally I shall be satisfied if for a number of years only such as 20) ; that in the N.W.F.P. and in Baluchistan (which is only nominally a province) where there are clearly huge Muslim majorities full reforms should be extended to the Mussulmans which have so far been denied by the combination of British military and civil domination and Hindu narrowness characteristically supporting it, and that Sind should be made a separate small province like Assam ; and that the Mussulmans should be allowed to have their majority in all these as the Hindus have everywhere else. Unless in these few provinces Muslim majorities are established by the new constitution, I submit, not as a *threat*, but as a very humble and friendly *warning*, there will be civil war in India. *Let there be no mistake about that.* These are the four or five provinces where the Mussulmans should have precisely the same *power* as the Hindus have everywhere else, and the Hindus should have the same *protection* as the Mussulmans demand where they are in minorities.

In the Punjab and Bengal where the Muslim majorities are only 6 and 5 it is *absolutely impossible* to give any weightage to the Sikhs or to the Europeans, and neither of them really needs weightage, as I shall presently explain. The whole idea has been created in order to rob the Mussulmans of their small majorities in the only two large provinces where their population gives it to them. The franchise in both these provinces, *whether equal for all communities or not*—this is not a religious or an ethical question about which there should be no rigidity, and no fetish, and at present there is no rigidity about the franchises about different communities in India (compare the franchise about the Council of State to-day)—should be such as to give the Mussulmans as many voters at least as their population ratio, and in any case their seats should at least for twenty years be reserved in the same proportion for them because they are indebted to the Hindu banias and too much under the influence of the Sikh *noveau richi.* The Nehru report very ingeniously tried to fool the Mussulmans by talking of adult franchise. Nobody can be more in favour of adult franchise than a true Mussulman. But fortunately or unfortunately women become adults as well as men, and for twenty years at least Muslim women when they become adults will not go to the polling booths even if the best purdah arrangements are made for them, and only purdah officers supervise over their voting. In comparison with the Aryas, other Hindus and Sikhs in the Punjab, the Muslim women are bound to suffer. Therefore adult franchise is out of the question. In these two provinces of the Punjab and Bengal no consideration should go against the Muslim demand of a majority of 56 per cent. and 55 per cent. respectively in the entire House.

The Sikhs had acquired in that one generation of rule so much land in the Punjab and they exercise such control over the poor tenants and others in the villages to this day, that they need absolutley no protection. Time after time they have themselves said that if the Mussulmans give up " communalism " " in the interest of Nationalism " they too would give up communalism and abide by the results of the general territorial elections. Robbed of all false sentiment, this means that they do not need protection in the same way as the Mussulmans do, and therefore the idea of providing weightage for them is wholly unnecessary and is a Hindu Mahasabha fiction.

The same may be said of the Europeans in Bengal. It is not by a few seats more or less in the Bengal Council only that they would keep their control over commerce that they have acquired since the days of the John Company. We must provide for that in some other way, and I suggest that the Instrument of Instructions for the Governor of Bengal should provide that nothing should be done in India to wreak revenge against Europeans whatever Indians may feel for the past. A mere weightage of 5 or 10 per cent. will not help them. It will be absolutely ineffective. What it will do will be to rob the Mussulmans of their majority in another of the only two provinces in which at present they are a majority in the population and have reforms.

With regard to the Frontier Province I say nothing because the Frontier Committee is already dealing with the matter and my own suggestion is that the Mussulmans should give to the Hindus and the Sikhs not only twice as much representation as the latter's population but three times as much, so that the Hindus and the Sikhs should feel that the province is their own as well as the Mussulmans and that they have a real share in the government of the province. That is the kind of thing that the Mussulman should feel in Dr. Moonje's province where he is only 4 per cent., or in Madras where he is only 7 per cent., or in Orissa when it is to be separated when he will be in an equally small proportion. *It must be remembered that the feeling for or against the Mussulman in every province is practically the same*, and when it is so bitter in the Punjab it is not likely to be less bitter in provinces like Dr. Moonje's where he is in very small numbers and practically a Hindu Government will rule over him. *The fear is that the idea of revenge is too much in the minds of our young men who have been mistaught Indian history chiefly for political reasons.*

It is only in the Indian States where history is not taught but is still being made by the Princes and made in a human manner in spite of the weakness of Princes, to which I must refer as a confirmed republican, that true protection is often to be found for the Mussulmans.

Let me in passing refer to the fact that the Mussulman has not been made excessively popular to any other minority either by the 1,250 years of rule that he has exercised. Some have a grievance against him because he conquered Persia ! Some have a grievance against him because he conquered Byzantium, Syria and Egypt and did not lose Palestine in the Crusades ! At any rate, whosoever has ruled over India, whether it be the English or the Mussulman, is bound in some way to suffer from real or imaginary grievances of his old subjects. It is remarkable that the Mussulman suffers much less from it than the British ! The British can be the best judge of this feeling of revenge against him, and in making a new constitution they must provide against that feeling for at least a number of years.

I come now to the subject of protection for the minorities. Many of the 14 points provide for this, such as a veto given to two-thirds of the Hindu and Muslim minorities in any legislative or other elected body against the discussion or passage of any bill, resolution, or part thereof, which is considered by it to be against its *interests.* This is the historic provision made by the Congress when the late Sir Syed Ahmed Khan of Aligarh was being invited in 1887 to join the Congress by Mr. Badruddin Tyabji, the other distinguished Mussulman who had joined the Congress. A provision that the Parliament of India before it was recognised and had any real power except to debate, willingly legislated should not now be objected to when the

Parliament of India is being recognised and being given effective power. *I insist that the words should be copied from the Congress constitution itself.*

It must be remembered that this provision is not for the protection of any *religion* but of *communal interests* only. *Religion* must be above law, and I am sorry I had just been out of the Plenary Committee when the Prime Minister asked us about the Federal Committee's Report whether we should note the point that no legislation should be introduced affecting the religion or religious rites and usages of any of His Majesty's subjects without the previous assent of the Governor. Already much mischief has been done by that provision on account of the passage of the Sarda Act for which, although it had been passed, no assent was ever taken, the assent being given for a purely ..... Bill as originally introduced. I have not the least objection if the Hindus or members of any other *progressive* religion desire to legislate about their religions. But my religion is *not* " progressive." It claims divine legislation, as I have shown in the statement presented on the 9th November, 1929, to His Excellency the Viceroy by the deputation of Muslim Ulama and leaders which I led before His Excellency of which I submit a copy with this statement of mine. Matters of such importance must not be rushed through in such a hurry, and *when opportunity arises again I shall see to it that at least Muslim religion is placed above human legislation whether by the Indian or by the British Parliament.* WITHOUT THAT NO MUSSULMAN CAN UNDERTAKE TO BE LOYAL TO ANY CONSTITUTION !

I would say one word only with reference to the weightage that the Mussulmans enjoy and desire to enjoy in every province where they are in such meagre minorities. Nowhere does that weightage give them a majority. As Shakespeare says about the Jews, it can be said of minorities that sufferance is the badge of the tribe ! But everywhere weightage gives them a certain amount of influence. And the need of that influence is realised by no one more than by myself who, through my illness, have had the whole of my party unrepresented in the Minorities Committee and elsewhere at present ! Weightage will give to the community just so excessively represented only the idea that it has a share in the governance of the country and no more. The same weightage that the Mussulmans claim they are prepared to give to the Hindus in every province in which the Hindus are in a similar minority. But to claim weightage for the Hindus of Bengal or of the Punjab where the minority is in reality better organised and in every way more powerful politically than the majority, more wealthy and better educated is an absurdity. The same is true of the Sikhs in the Punjab, who, apart from every other consideration, are socially Hindus and have politically been working with them. In Sind the Hindu minority is better organised and richer and better educated than the Mussulmans in spite of their being big landlords, and yet I would give them a weightage as large as could satisfy the biggest gourmand !

Let it not be understood that I am a communalist in the sense in which communalism has been understood in Europe. Although nearly a generation ago I was one of the authors of the separate electorate, I have felt that the time for it has passed, and that we should now have, in the interests of Indian nationalism, a mixed territorial electorate. *But a territorial electorate in India of the type of England is an absurdity.* In the province, say of Dr. Moonje, or of Nawab Sir Abdul Qaiyum, where the minority communities number only 4 and 7 per cent. respectively, the minorities have no chance of getting their true representatives elected even if 20 seats are reserved for them if 96 per cent. or 93 per cent. of the rival community are to be allowed to choose *their* representatives. Men of straw, men who are merely *religiously* Hindu or Muslim, but not *politically* so, will be returned by the votes of *politically* Muslim and Hindu majorities.

I have therefore after long cogitation and consultation with friends devised a plan. It is certainly far more deserving of consideration than Major Attlee's plan discussed in the Simon report. It is this. Let the seats be reserved for the two communities but let no candidate be declared elected unless he secures

(1) at least 40 per cent. of the votes cast of his own community ; and
(2) at least 5 per cent. of the votes cast of other communities wherever he is in a minority of 10 or less per cent., and 10 per cent. where he is in a larger minority or in a majority.

In this way *three* purposes will be served. In the *first* instance, every candidate will have to go cap in hand to both the communities as in the Minto-Morley Reforms which he does not do to-day ; and the rank abuse of sister communities which goes on to-day since the Montagu-Chelmsford Reforms, which has ruined Indian politics, and even social life, will cease. Secondly, no man would be returned to represent any community who does not represent at least a fair percentage of that community though not necessarily its majority as in the separate electorates to-day. The *third* purpose which is no less important is that ordinarily no person who is not in the least a *persona grata* to a sister community will be able to get returned even if he secures election from his own community. *Thus for the first time communalism will be killed* and true nationalism will get a chance. This is better than P.R. and distinctly better than the " list system." If, however, no candidate from a constituency satisfies either of these minima, the one that secures the largest votes cast of the community for which the seat is reserved must be returned. This will only be the relic of the present separate electorates which is unfortunately inevitable to-day. I do not want any more than that portion of separate electorates to be spared in the new national constitution that we are trying to frame this time in England. Without these conditions Mussulmans will never accept mixed electorates in which a man of straw or even a false convert can be returned by the votes of 96 per cent. of the majority community in any province irrespective of the entire opposition of the community for which the candidate is standing for election as a representative. That will be an absurdity worse than any we have known.

I have explained this system both to His Excellency the Viceroy and to the Secretary of State for India and they were very gravely impressed with the sanity and ingenuity of the measure I proposed. I believe I have a right to mention that Sir Tej Bahadur Sapru and the Right Hon. Srinivasa Sastri have been equally impressed, if not more.

With these words I close this statement of mine which has been dictated through the kindness of the Prime Minister and Sir Geoffrey Corbett in absolute defiance of my doctors who are greatly displeased with the liberty I have taken, and yet if I had not taken this liberty I should have disobeyed them still more greatly and would have gone to the Conference to put this case before the Committee and the Conference even if I died. I beg the Prime Minister and the Committee not to ignore this lengthy screed but to give it some consideration at least. I can assure them that it represents the views of *many scores of millions of Muslims* whose voice may not be heard in the Indian Round Table Conference but whose sentiments cannot be ignored by the Indian administrators as I feel sure Sir Geoffrey Corbett who has been present throughout knows well enough himself.

I remain,

Yours obediently,

(Signed) Muhammad Ali.

APPENDIX III.

SUB-COMMITTEE NO. III.
(MINORITIES).

A SCHEME OF POLITICAL SAFEGUARDS FOR THE PROTECTION OF THE DEPRESSED CLASSES IN THE FUTURE CONSTITUTION OF A SELF-GOVERNING INDIA.

SUBMITTED BY DR. BHIMRAO R. AMBEDKAR AND RAO BAHADUR R. SRINIVASAN.

The following are the terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India.

Condition No. 1 : Equal Citizenship.

The Depressed Classes cannot consent to subject themselves to majority rule in their present state of hereditary bondsmen. Before majority rule is established their emancipation from the system of untouchability must be an accomplished fact. It must not be left to the will of the majority. The Depressed Classes must be made free citizens entitled to all the rights of citizenship in common with other citizens of the State.

(A) *To secure the abolition of untouchability and to create the equality of citizenship, it is proposed that the following fundamental right shall be made part of the constitution of India.*

FUNDAMENTAL RIGHT.

U.S.A. Constitution Amendment XIV. and Government of Irel nd Act, 1920,10 & 11, Geo. V. Ch. 67, Sec. 5 (2).

" All subjects of the State in India are equal before the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage, disability is imposed upon or any discrimination is made against any subject of the State on account of untouchability shall, as from the day on which this Constitution comes into operation, cease to have any effect in India."

This is so in all Constitutions. See Prof. Keith's remarks in Cmd. 207 p. 56.

(B) *To abolish the immunities and exemptions now enjoyed by executive officers by virtue of Sections* 110 *and* 111 *of the Government of India Act* 1919 *and their liability for executive action be made co-extensive with what it is in the case of a European British Subject.*

Condition No. II : Free Enjoyment of Equal Rights.

It is no use for the Depressed Classes to have a declaration of equal rights. There can be no doubt that the Depressed Classes will have to face the whole force of orthodox society if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these declarations of rights are not to be mere pious pronouncements but are to be realities of everyday life then they should be protected by adequate pains and penalties from interference in the enjoyment of these declared rights.

(A) *The Depressed Classes therefore propose that the following section should be added to Part XI of the Government of India Act* 1919, *dealing with Offences, Procedure and Penalties :—*

(i) *Offence of Infringement of Citizenship.*

U.S. Statutes At Large. Civil Rights Protection Acts of April, 9, 1866, and of March, 1, 1875—passed in the interest of the Negroes after their emancipation.

" Whoever denies to any person except for reasons by law applicable to persons of all classes and regardless of any previous condition of untouchability the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience whether they are dedicated to or maintained or licensed for the use of the public shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

(B) Obstruction by orthodox individuals is not the only menace to the Depressed Classes in the way of peaceful enjoyment of their rights. The commonest form of obstruction is the social boycott. It is the most formidable weapon in the hands of the orthodox classes with which they beat down any attempt on the part of the Depressed Classes to undertake any activity if it happens to be unpalatable to them. The way it works and the occasions on which it is brought into operation are well described in the Report of the Committee appointed by the Government of Bombay in 1928 " to enquire into the educational, economic and social condition of the Depressed Classes (untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift." The following is an extract from the same :—

Depressed Classes and Social Boycott.

" 102. Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

" The second difficulty arises from the economic position in which the Depressed Classes are found to-day. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common-well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

"We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift."

In the opinion of the Depressed Classes the only way to overcome this kind of menace to their rights and liberties is to make social boycott an offence punishable by law. They are therefore bound to insist that the following sections should be added to those included in Part XI of the Government of India Act 1919, *dealing with Offences, Procedure and Penalties.*

I. OFFENCE OF BOYCOTT DEFINED.

This and the following legal provisions are bodily taken from Burma Anti-Boycott Act, 1922, with a few changes to suit the necessities of the case.

(i) *A person shall be deemed to boycott another who—*

(a) *Refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business,* or

(b) *abstains from such social, professional or business relations as he would, having regard to such existing customs in the community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution ordinarily maintain with such person,* or

(c) *in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.*

II. PUNISHMENT FOR BOYCOTTING.

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine or with both.

Provided that no offence shall be deemed to have been committed under this Section, if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

III. PUNISHMENT FOR INSTIGATING OR PROMOTING A BOYCOTT.

Whoever—

(a) *publicly makes or publishes or circulates a proposal for, or*

(b) *makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to, cause or*

(c) *in any other way instigates or promotes the boycotting of any person or class of persons, shall be punished with imprisonment which may extend to five years or with fine or with both.*

Explanation.—An offence under this section shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

IV. PUNISHMENT FOR THREATENING A BOYCOTT.

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, threatens to cause such person or any person in whom such person is interested, to be boycotted shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both.

Exception :—It is not boycott

(i) *to do any act in furtherance of a* bona fide *labour dispute*

(ii) *to do any act in the ordinary course of business competition.*

N.B.—*All these offences shall be deemed to be cognizable offences.*

Condition No. III. PROTECTION AGAINST DISCRIMINATION.

The Depressed Classes entertain grave fears of discrimination either by legislation or by executive order being made in the future. They cannot therefore consent to subject themselves to majority rule unless it is rendered impossible in law for the legislature or the executive to make any invidious discrimination against the Depressed Classes.

It is therefore proposed that the following Statutory provision be made in the constitutional law of India :—

"*It shall not be competent for any Legislature or executive in India to pass a law or issue an order, rule or regulation so as to violate the rights of the Subjects of the State, regardless of any previous condition of untouchability, in all territories subject to the jurisdiction of the dominion of India.*

(1) *to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property.*

(2) *to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State.*

(3) *to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres, and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed.*

(4) *to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion.*

(5) *to claim full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by other subjects regardless of any previous condition of untouchability and be subject to like punishment pains and penalties and to none other.*

Condition No. IV. ADEQUATE REPRESENTATION IN THE LEGISLATURES.

The Depressed Classes must be given sufficient political power to influence legislative and executive action for the purpose of securing their welfare. *In view of this they demand that the following provisions shall be made in the electoral law so as to give them—*

(1) *Right to adequate representation in the Legislatures of the Country, Provincial and Central.*

(2) *Right to elect their own men as their representatives,*

(a) *by adult suffrage,* and

(b) *by separate electorates for the first ten years and thereafter by joint electorates and reserved seats, it being understood that joint electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage.*

N.B.—Adequate Representation for the Depressed Classes cannot be defined in quantitative terms until the extent of representation allowed to other communities is known. But it must be understood that the Depressed Classes will not consent to the representation of any other community being settled on better terms than those allowed to them. They will not agree to being placed at a disadvantage in this matter. In any case the Depressed Classes of Bombay and Madras must have weightage over their population ratio of representation irrespective of the extent of representation allowed to other minorities in the Provinces.

Condition No. V. ADEQUATE REPRESENTATION IN THE SERVICES.

The Depressed Classes have suffered enormously at the hands of the high caste officers who have monopolized the Public Services by abusing the law or by misusing the discretion vested in him in administering it to the prejudice of the Depressed Classes and to the advantage of the caste Hindus without any regard to justice, equity or good conscience. This mischief can only be avoided by destroying the monopoly of caste Hindus in the Public Services and by regulating the recruitment to them in such a manner that all communities including the Depressed will have an adequate share in them. For this purpose the Depressed Classes have to make the following proposals for statutory enactment as part of the constitutional law.

(1) *There shall be established in India and in each Province in India a Public Services Commission to undertake the recruitment and control of the Public Services.*

(2) *No member of the Public Service Commission shall be removed except by a resolution passed by the Legislature nor shall he be appointed to any office under the crown after his retirement.*

(3) *It shall be the duty of the Public Service Commission subject to the tests of efficiency as may be prescribed*

(a) *to recruit the Services in such a manner as will secure due and adequate representation of all communities,* and

(b) *to regulate from time to time priority in employment in accordance with the existing extent of the representation of the various communities in any particular service concerned.*

Condition No. VI. REDRESS AGAINST PREJUDICIAL ACTION OR NEGLECT OF INTERESTS.

In view of the fact that the Majority Rule of the future will be the rule of the orthodox, the Depressed Classes fear that such a Majority Rule will not be sympathetic to them and that the probability of prejudice to their interests and neglect of their vital needs cannot be overlooked. It must be provided against particularly because however adequately represented the Depressed Classes will be in a minority in all legislatures. The Depressed Classes think it very necessary that they should have the means of redress given to them in the constitution. *It is therefore proposed that the following provision should be made in the constitution of India :—*

British North America Act, 1867, Sec. 93.

" *In and for each Province and in and for India it shall be the duty and obligation of the Legislature and the Executive or any other Authority established by Law to make adequate provision for the education, sanitation, recruitment in Public Services and other matters of social and political advancement of the Depressed Classes and to do nothing that will prejudicially affect them.*

" (2) *Where in any Province or in India the provisions of this section are violated an appeal shall lie to the Governor-General in Council from any Act or decision of any Provincial Authority and to the Secretary of State from any act or decision of a Central Authority affecting the matter.*

" (3) *In every such case where it appears to the Governor-General in Council or to the Secretary of State the Provincial Authority or Central Authority does not take steps requisite for the due execution of the Provisions of this Section then and in every such case, and as far only as the circumstances of each case require the Governor-General in Council or the Secretary of State acting as an appellate authority may prescribe, for such period as they may deem fit, remedial measures for the due execution of the Provisions of this Section and of any of its decisions under this Section and which shall be binding upon the authority appealed against.*"

Condition No. VII. SPECIAL DEPARTMENTAL CARE.

The helpless, hapless and sapless condition of the Depressed Classes must be entirely attributed to the dogged and determined opposition of the whole mass of the orthodox population which will not allow the Depressed Classes to have equality of status or equality of treatment. It is not enough to say of their economic condition that they are poverty-stricken or that they are a class of landless labourers, although both these statements are statements of fact. It has to be noted that the poverty of the Depressed Classes is due largely to the social prejudices in consequence of which many an occupation for earning a living is closed to them. This is a fact which differentiates the position of the Depressed Classes from that of the ordinary caste labourer and is often a source of trouble between the two. It has also to be borne in mind that the forms of tyranny and oppression practised against the Depressed Classes are very various and the capacity of the Depressed Classes to protect themselves is extremely limited. The facts which obtain in this connection and which are of common occurrence throughout India are well described in the Abstracts of Proceedings of the Board of Revenue of the Government of Madras dated 5th November, 1892, No. 723, from which the following is an extract :—

" 134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

(a) Bring false cases in the village court or in the criminal courts.

(b) Obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.

(c) Have mirasi names fraudulently entered in the Government account against the paracheri.

(d) Pull down the huts and destroy the growth in the backyards.

(e) Deny occupancy right in immemorial sub-tenancies.

(f) Forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting.

(g) Under misrepresentations, get them to execute documents by which they are afterwards ruined.

(h) Cut off the flow of water from their fields.

(i) Without legal notice, have the property of sub-tenants attached for the land-lords' arrears of revenue.

" 135. It will be said there are civil and criminal courts for the redress of any of these injuries. There are the courts indeed ; but India does not breed village Hampdens. One must have courage to go to the courts ; money to employ legal knowledge, and meet legal expenses ; and means to live during the case and the appeals. Further most cases depend upon the decision of the first court ; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathize with the wealthy and landed classes to which they belong.

" 136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influence to bear upon it in its course from inception to execution."

There can be no doubt that in view of these circumstances the uplift of the Depressed Classes will remain a pious hope unless the task is placed in the forefront of all governmental activities and unless equalization of opportunities is realized in practice by a definite policy and determined effort on the part of the Government. *To secure this end the proposal of the Depressed Classes is that the Constitutional Law should impose upon the Government of India a statutory obligation to maintain at all times a department to deal with their problems by the addition of a section in the Government of India Act to the following effect :—*

" 1. Simultaneously with the introduction of this Constitution and as part thereof there shall be created in the Government of India a Department to be in charge of a Minister for the purpose of watching the interests of the Depressed Classes and promoting their welfare.

" 2. The Minister shall hold office so long as he retains the confidence of the Central Legislature.

" 3. It shall be the duty of the Minister in the exercise of any powers and duties conferred upon him or transferred to him by law, to take all such steps as may be desirable to secure the preparation, effective carrying out and co-ordination of measures preventative of acts of social injustice, tyranny or oppression against the Depressed Classes and conducive to their welfare throughout India.

" 4. It shall be lawful for the Governor-General—

(a) *to transfer to the Minister all or any powers or duties in respect of the welfare of the Depressed Classes arising from any enactment relating to education, sanitation, etc.*

(b) *to appoint Depressed Classes welfare bureaus in each province to work under the authority of and in co-operation with the Minister.*

Condition No. VIII. DEPRESSED CLASSES AND THE CABINET.

Just as it is necessary that the Depressed Classes should have the power to influence governmental action by seats in the Legislature so also it is desirable that the Depressed Classes should have the opportunity to frame the general policy of the Government. This they can do only if they can find a seat in the Cabinet. The Depressed Classes therefore claim that in common with other minorities, their moral rights to be represented in the Cabinet should be recognized. With this purpose in view *the Depressed Classes propose :*

that in the Instrument of Instructions an obligation shall be placed upon the Governor and the Governor-General to endeavour to secure the representation of the Depressed Classes in his Cabinet.

SOURCE 1.—For columns 1 & 2 Statutory Commission Vol. V, page 1355.
2.—For column 3 Hartog Committee's Report.
3.—For columns 4 & 7 Central Committee, page 86.
4.—For columns 5, 6, 8, 9, 10, 11 & 12, Simon Report.

TABLE 1.

Distribution of Population.

Province.	Depressed Classes Population.						Population of					
	As estimated by the Franchise Committee in 1919. In millions.	As estimated by the Census Commissioner in 1921. In millions.	As estimated by the Hartog Committee on Education in 1929. In millions.	As estimated by the Provincial Governments in 1929 and accepted by the Indian Central Committee. In millions.	As estimated by the Simon Commission. In millions	As estimated by the Simon Commission. As a p.c. of the total.	Hindus excluding Depressed Classes. P.C. of the total.	Sikhs. P.C. of total Population.	Muslims. P.C. of total Population.	Indian Christians. P.C. of total Population.	Anglo-Indians. P.C. of total Population.	Europeans. P.C. of total Population.
	1	2	3	4	5	6	7	8	9	10	11	12
Madras	6·4	6·4	6·53	6·50	6·5	15½	72·3		6·7	3·2	·05	·02
Bombay	·6*	2·8	1·46	1·47	1·5	8	68·8		18·9	1·1	·05	·2
Bengal	9·9	9·0	6·64	11·50	11·5	24½	18·5		54·6	·2	·05	·05
United Provinces...	10·1	9·0	7·89	13·00	12·0	26½	55·9		14·3	·3	·02	·05
Punjab	1·7	2·8	1·70	2·80	2·8	13½	17·3	11·1	55·2	1·5	·02	·1
Bihar & Orissa ...	9·4	8·0	2·53	5·00	5·0	14½	68·1		10·9	·7	·01	·02
C.P. & Berar ...	3·8	3·3	3·01	2·67	3·3	24	64·2		4·4	·3	·03	·02
Assam	·3	2·0		1·55	1·0	13	33·8		32·3	1·9	·01	·05
N.W.F.							6·6		91·6			·04
Brit. India ...	42·2	43·3	29·76	44·50	43·6	19	50·4		24·8	·001		

* This figure is quite erroneous and is not warranted by the Census of 1911 which was the basis of the Committee's calculations.

TABLE II.

Communal Composition of Provincial Legislatures in India.

SOURCE. Simon Report except for figures in column 2 for Depressed Classes.

Provincial Legislature of	Muslims.			Depressed Classes.			Sikhs.			Indian Christians.			Anglo-Indians.			Europeans.		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
Madras ...	13·7	10·6	6·7		7·5	15·5				5·3	5·3	3·2	1·0	·8	·05	1·0	9·8	·02
Bombay ...	34·2	25·4	19·8		1·7	8				1·3	·9	1·1	1·3	·9	·05	2·5	19·3	·2
Bengal... ...	41·4	30·8	54·6		·7	24·5				1·1	·7	·2	2·1	1·4	·05	5·3	19·2	·05
U. P.	31·2	26·0	14·3		·8	26·5				1·1	·8	·3	1·1	·8	·02	1·1	13·8	·05
Punjab ...	47·7	40·0	55·2		Nil.	13·5	17·9	15·9	11·1	1·5	2·1	1·5	1·5	1·1	·02	1·5	14·9	·1
Bihar & Orissa	25·3	18·5	10·9		·9	14·5				1·4	1·0	·7	1·4	1·0	·01	1·4	18·4	·02
C. P. & Berar...	13·2	9·6	4·4		5·4	24·0				Nil.	Nil.	·3	1·9	1·4	·03	1·9	10·9	·05
Assam	36·3	30·2	32·3		1·8	13·0				Nil.	Nil.	1·9	Nil.	Nil.	·01	Nil.	22·6	·04
N. W. F. ...																		

EXPLANATION. Column 1 shows Percentage of Communal seats.
Column 2 shows Percentage of Total seats.
Column 3 shows Population Ratio.

APPENDIX IV.

SUB-COMMITTEE NO. III.
(MINORITIES).

THE CLAIMS OF THE INDIAN CHRISTIAN COMMUNITY.
SUBMITTED BY MR. K. T. PAUL.

I base my right to make this statement on the Resolutions of the All-India Conference and Council of Indian Christians held year after year from 1922. They are appended herewith. (*Vide* Appendix III.)

No one can be more sensible than I am of the fact that there is more than one view held in my community. I deny that the divergence is as between Roman Catholics and Protestants. The difference of views runs across both the religious groups. I have documentary evidence for this. This fact of a difference of views was taken into full and serious cognisance by the All-India Conference at every session, especially at its Madras session. The attitude taken by the All-India Conference is therefore well considered and quite deliberate.

As I interpret the mind of my Community, what they want may be classified under the following heads :—

1. Fundamental Rights.
2. Representation on Councils.
3. Share in Public Services.
4. Machinery for overseeing Executive action.

1. *Fundamental Rights.*—There should be implemented in the Constitution certain rights to which all citizens of India are entitled wherever they may live in India and to whatever community they may belong or whatever religion they may profess. These should be modelled on Articles cited in pages 331, 332, 333, 334 of Vol. III of the Report of the Indian Statutory Commission. (*Vide* Appendix I.)

2. *Representation on Councils.*—We would prefer to see in India now, or as soon as possible, a complete absence of all reservations on Communal bases of any sort in the legislatures or public services. But it is obvious that that stage has not yet been reached by India and that reservations will be made for certain communities. In that event we would claim : (1) that reservation be made for us in all Legislative bodies in the proportion of population or franchise, whichever will give us a larger number ; (2) wherever Weightage is given to any community, we should also be given similar Weightage. We are not asking for Weightage *per se*. But we are sure that when any community is given weightage, seeing that it is bound to be bigger and more forceful than we are, we certainly feel to be in a position of increased disadvantage. Therefore we do ask that we should also be given proportional weightage if that is accorded to any other community. (3) In principle we prefer joint-electorates to separate electorates, the mischievous effects of which on our community has been deplored by the resolutions of our All-India Conference year after year. But in certain Provinces and also in regard to the Central Legislative Body or Bodies, there may be practical difficulties in working out any scheme of Joint-Electorates. We, therefore, wish that the precise method of election be postponed for consideration by the Franchise Committee when it is set up.

In the Madras Presidency by reason of the fact that the Protestant and the Roman Catholic sections of our community are almost equal in numbers and are so distributed in all the Districts, the method of separate electorate has accentuated the separation of the two sections in an unhealthy way. I do not think it will be possible to get over this difficulty by a re-alignment of electoral units in any way that has so far been suggested. I submit that the only alternatives are : (*a*) the reserved seats being filled by the General Electorate with, perhaps, the safeguard suggested by Major Attlee in pages 86, 87 of Vol. II of the Simon Report, or (*b*) through a system of indirect election. The latter may, concretely, work out as follows : Supposing in the Madras Legislative Council 10 seats are reserved for Indian Christians. The Indian Christian voters in the Province would elect, say, 80 to 100 persons to an " electoral college." This college will be required to elect the 10 M.L.C.'s, 5 being Protestants and 5 Roman Catholics, from among their number. Normally they will elect them from their own number. But they will be permitted to choose an outsider to make up the balance if there are not among themselves five of either community.

Similarly in the matter of returning Members to a Federal Legislative Body, the Christian M.L.C.'s of all the Provinces will form into an electoral college and settle the election under rules which will provide for proper division between Roman Catholics and Protestants, and a proper rotation of the Provinces, or groups of Provinces. (*Vide* Appendix II for a further note on this point.)

3. *Reservation in the Services.*—We wish to state very emphatically that any arrangement, as in Madras, which allocates all posts and promotions to a turn-list among the Communities, acts prejudicially to the smaller Minorities and often deprives the country of the services of those best qualified for it. At least 50 per cent. of all posts should be filled on the sole basis of qualification and merit ; the other 50 per cent. might be subjected to a turn-list arrangement. In this way there will be an inducement for all Communities (majority or minority) to train its young men and young women to the highest possible qualifications and at the same time we would have secured for the backward communities (majority or minority) a fair share in the Services.

As for promotions we would deprecate any interference with them on the basis of Communal interests. Once an Appointment has been made all further promotions should be entirely on the basis of merit and service. Any unfair action in the matter of promotion should be dealt with through Public Service Commissions or other administrative machinery.

4. *Machinery for Oversight.*—To place the foregoing principles in Constitution or Rules is one thing ; to carry them out in perfect equity is another matter. There should be definite provision made in the administrative machinery of the country to safeguard the interests of the Minorities. The following suggestions are made :—

(1) The Protection of Minorities and the care of Depressed Classes may form a portfolio which should be one of the responsibilities of a Minister in each Province, and especially in the Central Executive. We believe there will be enough work in it for a whole-time Under-Secretary to the Minister, the bulk of the work being concerned with the affairs of the Depressed Classes. In regard to these matters the Ministry should by Constitution be made responsible to the Legislative bodies concerned, Provincial and Federal. The Executive action of this Ministry will be on lines analogous to the work of the Commissioner for Labour in Madras, and also to the work of the Minorities Section of the League of Nations Office. It will be concerned (*a*) with all grievances or disabilities connected with water, land, communications, house-sites, allocations for public funds, educational facilities, and any other public utility services, which may be brought to its notice, and deal with them as an

interceding, interpreting, rectifying, and co-ordinating agency with the other departments of administration. It will also be empowered (*b*) to devise means on its own initiative to further the welfare of small Minorities and other backward and Depressed Classes in any line which it finds possible to take for the purpose.

(2) *The Supreme Court.*—We cannot conceive of any legislature in India deliberately attempting to pass any law which will adversely discriminate against any Minority. Sometimes legislation may be attempted in good faith, which is unwittingly prejudicial to a Community. In that contingency there are in the Legislature the representatives of that Community to point out the injurious consequences which may accrue. Supposing, in spite of such a protest, legislation is firmly attempted, there is the Veto power of the Governor which the Minority affected may invoke by petition or deputation.

When all this has been said, still, a careful forecast of all possible developments in regard to Legislatures and Governorships would lead one to ask that the Supreme Court be vested with some powers analogous to the Supreme Court of the U.S.A. in regard to legislation. Where a Minority fears the consequences of a particular Bill which has passed Third Reading, its representatives in the Legislature should be empowered either to appeal to the Governor to Veto it or move the Supreme Court. If it takes the latter course and the Court is satisfied that there is a *prima facie* justification for the fear of injury, it may issue an injunction which will have the effect of suspending the Bill from being passed into law at that session of the Legislature. It may be reintroduced at the next session of that Legislature, or any subsequent session of it, and go through the regular processes of legislation. If it is then passed, the Minority concerned shall have no further right to interfere.

K. T. PAUL.

8, Chesterfield Gardens,
Mayfair, W.1.

1*st January*, 1931.

APPENDIX I.

A few specimen articles may be cited :—

Article 7. All Polish nationals shall be equal before the law, and shall enjoy the same civil and political rights, without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions, and honours, or the exercise of professions and industries.

Article 8. Polish nationals who belong to racial, religious, or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, charitable, religious, and social institutions, schools, and other educational establishments, with the right to use their own language and to exercise their religion freely thereon.

Article 132. In towns and districts where there is living a considerable fraction of Czechoslovak citizens belonging to some minority, whether in respect of religion or nationality or language, and where specific sums of money from public funds as set out in the State budget or in the budget of local or other public authorities, are to be devoted to education, religion or philanthropy, a due share in the use and enjoyment of such sums shall be secured to such minorities, within the limits of the general regulations for public administration.

APPENDIX II.

This is what was said to the Simon Commission by the Deputation of the All-India Council of Indian Christians :—

" Our suggestion is that the Assembly should consist of about 300 elected members, as this would make the Assembly much more representative and would also decrease the size of the constituencies. In our opinion the present size of the constituencies is very large and needs to be curtailed. In an Assembly of about 300 elected members we suggest the following apportionment :—

Hindus	145
Muslims	100
Indian Christians	9
Sikhs	8
Special interests	38

" If the present numbers are maintained, the Indian Christian community would be entitled to three seats. This will be in keeping with the principles on which we have emphasized. It may be pointed out that, with less than one per cent. of the population, the Sikhs have two seats in the Assembly, while, with over one per cent., Indian Christians have no elected seats. The number of Indian Christians is likely to be considerably larger when the figures of the next Census will be available. In support of this contention we have not only the past rate of progress, but also the Mission and Church statistics, which are tabulated from time to time.

" The problem, however, to be considered is, how are our representatives to be returned ? We have already stated that the system of nominations, as far as the representation of our Community is considered, should be entirely eliminated. We cannot too strongly emphasize this point. There is a unanimous and strong opinion of the community behind this feeling. In case the separate electorates are retained, then the matter is simple. Out of these three seats, one should be reserved for South India, and two seats should be apportioned to various provinces or groups of provinces on an alternate rotating system. For instance, we would suggest the following groupings :—

1. Bengal, Assam and Orissa.
2. Bihar and the United Provinces.
3. Delhi, Punjab, N.W.F.P. and Baluchistan.
4. Bombay Presidency, Central Provinces, Central India, Ajmere-Mewar and Berar.

" Each of these groups could elect one candidate to an alternate Assembly. In case the Assembly is enlarged, as we hope it will be, and our modest and just request for nine seats is accepted in an Assembly of 300, three seats should be reserved for Madras Presidency, and six seats should be divided among the other Provinces of India which may be suitably grouped."

APPENDIX III.

Resolutions of the All-India Conference of Indian Christians.

9th Session held at Lucknow, 1922. That the Conference commends the following resolution to the attention and consideration of the Provincial and Affiliated Associations :—

(*a*) This Conference views with alarm the increasing bitterness of intercommunal jealousy in India, and believing that the principle of communal representation, specially when it is based on Communal electorates in the Councils and the Local Bodies, is contributive to its prolongation, recommends to Government the discontinuance of Communal representation, if possible, and of Communal electorates at any rate.

(*b*) It appeals to the Indian National Congress, National and Communal Organizations to strengthen the hand of Government in the matter by passing resolutions condemning the system of Communal representation, specially when it is based on Communal electorates, as opposed to the best interests of the Motherland.

10th Session held at Bangalore, 1923. (*a*) This Conference wishes to point out that any accentuation of the communal spirit among Indian Christians adds to the difficulties of the situation and makes it still harder for them to assist in its solution.

(*b*) The Conference understands that the method of separate electorate for the Indian Christian Community will lead to a very unhealthy growth of sectarian feelings in the Christian community itself and urges the Indian Christian associations in the Madras Presidency to take early steps for rectifying the situation. It appoints the following committee to co-operate with them in this matter.

12th Session held at Calcutta, 1925. This Conference strongly holds that communalism in politics is bound to prove disastrous to the best interests of the nation and must, therefore, be eschewed at all costs. It earnestly recommends that Christian members should not seek representation on the Legislative Councils in India, Central and Provincial, on a communal basis, either through election or nomination, after the present Councils are dissolved.

13th Session held at Madras, 1926. With a view to allay as far as possible communal feeling among the people of India, this Conference views with dissatisfaction the present system of Communal Electorates and resolves to move the Government to amalgamate the Indian Christian Constituencies with those of the non-Mohamadans, reserving ten seats for the Indian Christians in such Constituencies as may be decided on by the Government in consultation with the leaders of the Community.

Special Meeting of All-India Council held at Lucknow, 11*th July*, 1930.

5. *The Minority Problem.* The natural and abiding security of a Minority Community is in the confidence and goodwill of all the other Communities along with whom it makes up the nation. The essential condition for securing and holding such confidence and good-will is in the clear fact that the Minority Community is in every sense identified with the national aspirations and ideals of the country. Where a Minority is above all suspicion in regard to its identification with the nation, any assistance which may come to it because of the political relationship of its country with a foreign nation, however necessary it may be in certain stages of the history of the country, can only be of a temporary nature. Any advantages which may come from the presence of an outside authority ought to be secured sooner than later from internal adjustments on a basis of generous and open confidence.

In regard to this the attitude of the majority is obviously of determining importance. It should be such as to win the ready confidence of at least all the moderate elements in the minorities.

We endorse the view of our All-India Conference of Lahore, 1929, that the community which we represent will gladly agree to an entirely democratic arrangement throughout the country in which there is no special concession to any community.

As a second best, we should agree to the system of "reservation." But we look with extreme disfavour on the system of Communal Electorates, and shall have to advise our community not to accept it even if it be offered. We do appeal to all other communities at this hour of unparalleled national crisis to rise clear out of that plain of suspicion where our country has been repeatedly ruined in the past and to agree on the system of reservation.

Even the system of "reservation for Minorities" is not free from problems of difficulty. We have our own views about them which we shall state at the proper time and occasions. Meanwhile we shall go so far as to submit that for the purposes of the main task of the Round Table Conference the Minorities should be willing to agree to fairly reasonable adjustment providing in the constitution for its automatic revision from time to time in the light of actual experiences. We confess to grave concern that the great possibilities of constitutional advance through the proposed Round Table Conference might be jeopardized by the obstinacy of the extremists of the various communities. While we have spoken frankly as to our opinion regarding the Minorities, we must with equal candour appeal to the majority community to so change its attitude towards the other communities as to win their confidence and dispel all their suspicions that the minorities may not have fair play or opportunity for a full expression and development of their culture and heritage. We trust that principles of moderation and mutual confidence will prevail, and that a firm and reliable agreement will be arrived at among the representatives of the communities before the Conference meets.

Realizing that many of the disabilities of the minorities arise in the processes of administrative discrimination, we believe that very effective relief may be found through arrangements on the lines of the Minorities Department of the League of Nations, which operates not through Legislatures or Judiciaries, but by the employment of authoritative "influence" which whenever necessary is supported by mobilized public opinion. We believe further that the arriving at such an arrangement will obviate the necessity for the Statutory provision of any mathematical ratios in the legislatures or in the public services.

We are confident that our own community, especially the rising generation, is well aware of the fact that the place of a Minority in a nation is its value to the whole nation and not merely unto itself. That value depends upon the quality of its life, the standard of its preparation for life's various activities, the strenuousness with which it throws itself into all avenues of useful services and the genuineness with which it seeks the common weal. We are well aware that in the peculiar social situation in India even with all the values we have indicated, there are and will continue to be unmerited hardships falling on individuals and groups. But we record our conviction that while many of such hardships and disabilities will be met by such administrative devices as Public Service Commissions and by reservation in the Legislatures and Councils, the real solution is to be found in the positive and constructive methods of the Community straining every nerve to make itself qualified, efficient, useful, and even indispensable to the nation.

SUB-COMMITTEE No. IV.

(Burma.)

The Sub-Committee was constituted as follows :—

The Earl Russell (*Chairman*).
The Earl Peel.
Mr. Isaac Foot.
U. Aung Thin.
U. Ba Pe.
Mr. M. M. Ohn Ghine.
Mr. de Glanville.
Mr. B. Shiva Rao.
Rao Bahadur Srinivasan.
Captain Raja Sher Muhammad Khan.
Mr. H. P. Mody.
Mr. A. H. Ghuznavi.
Sir B. N. Mitra.
Sir Hubert Carr.

with the following terms of reference :—

" To consider the nature of conditions which would enable Burma to be separated from British India on equitable terms and to recommend the best way of securing this end."

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. IV (BURMA) HELD ON 5TH DECEMBER, 1930.

Chairman : The terms of reference to this Committee are " to consider the nature of the conditions which will enable Burma to be separated from India on suitable terms, and to recommend the best way for securing this end." As I think was understood by the Conference, and as was stated by the Prime Minister when that resolution was adopted, it is perfectly clear that the question of the principle of the separation of Burma is no longer open to discussion. That matter has been settled, and the object of this Committee is to consider the suggestions in the terms of reference. I thought that today we should be acting most wisely if we decided the kind of subjects that have to be considered and that we shall have to discuss, and to arrange about our future meetings.

Before our next meeting I should propose to have circulated to the Committee, I think, some little memorandum showing the kind of questions that we are considering and are discussing. It will be convenient, probably, for everyone to have that, and I have a note here of one or two of the most obvious ones. Of course, the first and most obvious question is the question of finance. The finance of Burma has considerably affected the finance of India, and there will be views, no doubt, as to what sort of financial settlement should take place on their separation. Obviously in this Committee we cannot go into any details of that, because it involves very long calculations by experts, which would take the experts alone a long time ; but we might be able to lay down some principles. I do not know what the feeling of the Committee would be, but my own feeling would be that in view of the generous gesture that was made by the Conference in accepting the separation of Burma so freely we might be able to part and remain good friends, both countries when they are separated, and that possibly the financial business might be settled without a long discussion of a debtor and creditor account possibly by starting with a clean slate from where you were ; but that will be a matter on which I think this Committee might quite properly make a recommendation as to the sort of principle that should be followed. The Committee that will be set up to consider finance will probably have to be a committee of experts, and no doubt, when the time comes, there might be attached to that Committee representatives of the Indian Legislature on the one side and of the Burmese Legislature on the other, in order that everybody might be satisfied that the case had been fully presented, and that, when the settlement was come to, both countries might accept it willingly and in good part.

Then, of course, there is another question which it is perhaps not for us to consider, but on which a recommendation from this Committee would be useful, and that is the framing of the new Burmese constitution. It has been generally understood, I think, that Burma is to have a new constitution and that that constitution will have to be settled by some sort of conference, probably following this Conference.

There are two suggestions at least which have been made in regard to that. The suggestion which was made in the full Committee was that there should be a conference in London in due course, which representatives of Burma would attend, similar to the present Round Table Conference, but of course on a much smaller scale, where this new constitution could be discussed and settled. It is obvious, of course, that India would wish to be represented on that Conference to some extent, no doubt, in regard to questions that would arise ; and the alternative would be to send out some sort of Commission to Burma to discuss the matter on the spot. I do not know whether the Committee would feel that that would be necessary, or that it would be convenient. It would probably be a much longer process. It might involve hearing a great deal of quite unnecessary evidence, and it might be that the matter could be settled here equally well ; but that will be a matter which, no doubt, will be a subject for discussion. I think that probably that might be the first subject for discussion but that will be for the Committee to decide.

Then, of course, there is also the question of the defence of Burma after the separation. That will be a matter, again, not for this Committee to settle, obviously, because it involves military questions, and the military experts would have to be consulted, and their advice, no doubt, would have to be very seriously considered ; but this Committee, there again, might, no doubt, consider the principles that are possible—whether Burma would raise its own army, whether it would make terms with India and employ some Indian regiments, or in what other way the defence would be settled. We might possibly arrive at some conclusion as to what would be satisfactory to both countries ; but it is obviously one of the questions on which we might, I think, make some recommendations, and which obviously has to be considered before the separation becomes effective.

Then there are, of course, a good many administrative arrangements to be made. Those are perhaps not really matters of principle so much, but there may be some consideration of them required. I am not sure whether everyone realised, when we agreed to the separation of the two countries, what such a separation involves. It involves, of course, that you have to consider whether the laws of the country you are leaving will go on applying to the new country of Burma, or whether you will have to make new laws of the same kind, or whether for the time being you will adopt those laws as the laws of Burma, and then change them at your leisure. Obviously, there are a lot of things of that sort that will have to be considered.

Then, of course, there is the question of navigation and of the Port of Rangoon, and the question of railways, and of posts and telegraphs. All sorts of things of this kind that arise on separation will have to be considered as part of the necessary adjustments which have to be made when one country separates from another.

There is another question on which this Committee might very properly make a recommendation, and that is this. Ultimately, when the new Burma constitution is framed, and when Burma becomes a separate and independent unit, whether it will remain under the Secretary of State for India, or whether it should be placed under the Secretary of State for the Dominions. That is a question on which this Committee might quite properly express an opinion; and it may be that although one course would be the more technically correct course, the other might turn out to be the more convenient.

Those seem to me generally the sort of questions for discussion, and all I want to ask the Committee to do to-day is to express an opinion as to whether there are other questions that should be added to those, and whether the sort of time of meeting that I have suggested for next week will be convenient to take up those questions, or if there is any one of them that you would like to discuss this morning.

Mr. H. P. Mody: May I make a preliminary observation. You were quite right, my lord, in stating just now that it is not open to us to question the principle of the separation in view of the decision which was arrived at by the Committee of the whole House. That is perfectly correct; but what is the position of those like myself who did not acquiesce in that decision? I do not wish to be understood as saying that I am against the separation of Burma. All that I wish to point out is that I have not had sufficient opportunity for making up my mind about the question. The whole question was disposed of in a few minutes, and my position would be that I would like to consider the question. However, it is not open to me in this Committee to consider that question. Well, what I want to know is, because I am here and am going to take part in the deliberations of the Committee, am I going to be estopped from raising that question again either in the open Conference or when we meet again in the full Committee of the Conference? I only want to safeguard my own position, and I wish it to be understood that because I take part in your deliberations it must not be understood that I have acquiesced in the principle of the separation of Burma. I keep an entirely open mind on the subject, and I wish to be understood in that sense. That is the only point I wish to make.

Chairman: I do not think your position will be prejudiced by your taking part in the deliberations here, but whether you could be allowed to raise it again in the full Committee would be a matter for the Prime Minister to rule upon. I should have thought that probably you could not, but you might be allowed to raise it in plenary session when the Committee reports to the plenary session. I rather doubt whether you would be in order in raising it again in the full Committee.

Lord Peel: I should have thought the only occasion was in the plenary, when the full Conference sits.

Mr. Foot: I think a grievance undoubtedly exists—the grievance that a matter affecting 12 millions of people upon the one side, and India upon the other, should have been dealt with in a way that may be considered as being casual. There was no assurance the other day that it was to be on the agenda for discussion at that time. Some members of the larger Committee thought that the time might have been occupied upon other subjects, and suddenly, because those subjects took such a little time, we were confronted with the problem of Burma. For myself, I am entirely in agreement with the conclusion that was rather hurriedly arrived at, but at some time or other obviously there ought to be a fuller consideration of a matter so important, so vital to those who are concerned; and it would be a pity, I think, my lord, if that had to go back to a plenary sitting of the Conference and if we could not obtain some authority for the consideration of that question. Obviously this is the best Committee to deal with that, and one does not like to leave outstanding questions, and would it not be difficult if we proceeded upon the framework that you yourself have laid down when, at the back of the minds of many here, there might be the very well-lodged grievance that the whole question has received hitherto too casual a discussion altogether? We are not bound, of course, by rules and regulations and by orders, as we are in Parliament, and I should have thought that in spite of the answer that was perhaps very quickly given by the Prime Minister at that time, if it were the wish of this Committee that that subject should be discussed the convenience of the whole Round Table Conference would be served by being given authority for that purpose.

I am quite sure that time will be saved in that way, because since the question was raised at the Conference we have had representations made to us. They may not have a very serious ground, but they are representations which those who make them ought to be assured have been taken into consideration. It would be a very great pity if we arrived at any decision that is going to leave a grievance; and that grievance can be best met by an assurance that the matter has been considered in all its aspects. If I may make the respectful suggestion, I would suggest that there might be a conference between yourself and the Prime Minister upon that, so that if there is a desire on the part of this Committee at some stage or another to look at the general question, we should be enabled to do so. I feel satisfied, otherwise, that although we may be able to deal with all the subsidiary points arising if we have then to report to the Conference itself that a substantial number of the Committee although agreed upon certain subsidiary points, still think that the whole question of separation needs a fuller discussion than has been given to it, time would be saved by a Committee being appointed for that purpose.

Chairman: May I tell the Committee my own views on Mr. Foot's suggestion. Mr. Foot will remember that, after all, every member of the Conference has been considering for a year at least the question of the separation of Burma. It is not a new matter to those who discussed it in the Conference. It is mentioned in the Simon Report; it is mentioned again in the Despatch of the Government of India, and, speaking for myself, and judging from the attitude of the Conference the other day, I should have said that the majority in favour of separation was overwhelming; I should have said that there was a barely perceptible minority; and I really do not think that this Committee could take up that question of principle, because that is a question of principle which can obviously only properly be settled by the full Conference. You must have all the interests represented, I think. I do not think a small Committee like this could discuss such a question of principle. The only thing that the Committee might do—and I hope they will not consider it proper to do so—would be at once to refer back to the Conference the whole question, and say we wanted a fresh discussion on the separation of Burma; but in view of the overwhelming majority I am inclined to think that that would hardly be a reasonable thing to do. I am inclined to think that those who were opposed to the separation were a very small number of the whole Conference.

U Aung Thin: After what the Chairman has said as to the subject of separation having been before the public for such a long time, for over a year, and the fact that there was no indication on the part of the British Indian delegates to take part actively in the discussion, shows that they are either in favour of separation or that they have no particular objection to raise against it. The Prime Minister as Chairman has given ample opportunity to the Conference to contribute their views on the subject, and he was really quite right in saying that the general opinion of the Conference was in favour of separation. If this question were to be re-opened we, the Delegation from Burma, would certainly oppose it *en bloc.*

Rajæ Sher Muhammad Khan : I quite agree with my friend U Aung Thin. You will remember that the discussion on the first day was opened I think by the Princes and by the British Delegation and there was every sympathy with the separation of Burma. As U Aung Thin says, everybody was agreed by an overwhelming majority that Burma should be separated. But I do not agree with Mr. Foot that we were suddenly confronted with the question. I have had long talks with some Indian friends before this question was opened and, as I say, I could see that all the British Delegation was in favour of the separation of Burma ; so I do not think that the question suddenly confronted the British Delegation or the Princes.

Chairman : Do you mean the British Indian Delegation ?

Raja Sher Muhammad Khan : Yes, the British Indian Delegation. As it has been agreed by the Princes and the overwhelming majority of the British Indian Delegation, I do not think it would be desirable to raise again the question of the separation.

Sir B. N. Mitra : I do not agree with Mr. Foot's suggestion and I do not think we can go so far. Perhaps in the other Committees too there are people who do not wholly accept the principle. If Mr. Foot's suggestion is accepted something may happen in almost every Committee ; that it to say, they may say ; " Before we proceed to discuss the details of the terms which we have been called upon to consider, we want a further discussion of the main principles " ; and no Committee could go on doing its work. Therefore, I submit, that while the Committee goes on doing its work and we with it, those who do not accept the principle of separation may make, in signing the Report of the Committee, that qualification to safeguard their position. Then they may be allowed again to raise the question of principle in the Plenary Session where alone it can be discussed.

Lord Peel : Is it not the case that all the discussions were to a certain extent of a provisional nature ? I thought that was given out by the Prime Minister himself, and that no really final decisions were arrived at. I was myself a little surprised that there was no more discussion on the Burmese problem. But I certainly did gather, as one does from the feeling at a big meeting, that there was an overwhelming opinion in favour of the general principle. Perhaps, I am a little biassed myself, for I formed my own opinions some time ago on this question. Therefore, perhaps, I am not so much open to argument as others. After all, I think that general decision was provisional. All the details are going to be very carefully considered, I understand, in Committee, and surely the difficulties that, for instance, Mr. Mody feels can all be brought out. If Mr. Mody is opposed to separation, he is opposed to it on certain grounds. Surely, all those grounds will be discussed in the course of considering these questions which you have outlined to us Mr. Chairman, will they not ? It seems to be perfectly open to any members of the Committee to raise their points. In my own case I happen to have gone into a good many of these grounds before. Surely, when we are discussing the question, important reasons will emerge which may, to some extent, alter the opinions of some of these gentlemen when they have gone into the matter ; and they might find themselves then in favour of separation. There are certain practical difficulties which will come up and which will have to be considered when they do come up, and gentlemen like Mr. Mody will have every opportunity without going into the question of principle. This sub-Committee has to report, I suppose, to the Plenary Committee ?

Chairman: We will report to the Plenary Committee.

Lord Peel : That being so, I should have thought that in the course of these detailed discussions all the questions of principle and their application would be discussed.

Chairman : I might tell Mr. Mody that we have said, on behalf of the Government, that we were going into this Conference with an open mind. The question of Burma was one on which it might have been very easy not to have had an open mind, but to have followed the Simon Report without further consideration. But I did, in fact, keep an entirely open mind because I was prepared, if there appeared to be strong British Indian opposition, to consider that opposition very seriously to see whether it was justified and whether it could not be met. There were obvious reasons given in the Simon Report, geographical, ethnical, and so on, for the separation. There were obvious difficulties also, chiefly, I imagine, financial ones, in connection with separation. I do not know whether Mr. Mody's attitude is that there is nothing in the terms of separation that would satisfy him or whether it is the principle of separation that he is opposed to ; but he will have ample opportunity of bringing his suggestions forward here if they have anything to do with the terms of separation. It may be that when terms have been arrived at he may not be opposed to separation. But if he is opposed as a matter of principle, I think his right is an obvious one to bring the question up when the main Committee reports to the Plenary Session. I do not hold out much hope of his getting support from the Plenary Session.

Mr. H. P. Mody : May I say that I am not opposed to separation. My whole point is that I am not in a position at the moment to say whether I shall agree to separation or not. I did not acquiesce in the decision and I did not want to say anything about the decision. I did not say a word for the simple reason that I thought it was not right, as a member of the Committee, to question the decision of the whole Committee. But since so much has been said I would like to tell you that we were rushed into that decision, if there was a definite decision. We were simply rushed into it. We have been here for weeks deliberating upon various questions and I say that we have not arrived at a single decision of any importance. The one decision of importance that we did arrive at was arrived at in 20 minutes or, it may be, less than 15 minutes. I remember a member getting up and asking at one stage whether the question of the separation of Burma was an open question and the Prime Minister said it was not. It all happened in a few minutes. I only wanted to make my position clear. I did not know whether I should be regarded as being *estopped* from raising that question again when we come into the full Committee.

Chairman : Mr. Mody will be perfectly within his rights in raising the matter when the time comes, if he thinks he ought to go into it.

Mr. Mody : Then the position is that we shall be allowed to discuss it ?

Chairman : In this Committee ?

Mr. Mody : In this Committee.

Chairman : Not in this Committee. In the Plenary Session I think it is obvious that anybody can discuss it again.

Raja Sher Muhammad Khan : We can discuss it on the report, I suppose ?

Earl Peel : Was it not the general ruling of the Prime Minister that all these things must necessarily be provisional ?

Chairman : Not only are they provisional, but they are to be reported, and on the report they can be objected to.

Raja Sher Muhammad Khan : Then on the report anybody can discuss these matters ?

Chairman : Quite.

Mr. Mody : Your Lordship cannot give a decision here ? That will rest with the Chairman who presides at the Plenary Session ?

Chairman : Quite. I can tell Mr. Mody that according to our ordinary rules of discussion he will be fully entitled to raise the question again in the Plenary Session.

Lord Peel : And Mr. Mody's speech would be even more powerful than it otherwise would have been ?

Mr. Foot : As far as I have been able to consider the matter, and of course I have not had the opportunities that some have had, I think the arguments for separation are overwhelming. My only concern is that when it is done, after so many years of association, it should be done in such a way that those who are opposed to separation in Burma might have the satisfaction of knowing that it was done gravely and deliberately and after full consideration.

Mr. Mody : That is the whole point.

Chairman : I entirely agree with Mr. Foot. There is one other matter that I did not mention and that is the protection of minorities. That is a matter of principle that we ought to discuss. It does not happen, fortunately in Burma in the same way as in British India. But the whole point of Indians in Burma is a matter of principle that we ought to discuss. There may be others that I have omitted. I propose to circulate before our next meeting a list of the heads that have to be considered by the Committee.

Mr. Foot : Would the question arise, as one of the heads, as to whether the link between this country and Burma was to be through the Viceroy or through the Governor-General ? That would be under the heading of the new constitution. It is raised in the Simon Report, you will remember.

Chairman : Yes.

Mr. Foot : The question is raised there, with the arguments for and against.

Chairman : That is one of the things, no doubt, we might raise.

Mr. Foot : Would it be under a separate head ? It might not come under the framing of the new constitution, which could cover anything.

Sir B. N. Mitra : Would it not come under the head of who would be the head of the Executive in Burma ?

Chairman : Who would be the head of the Executive in Burma and what would be the channel of the relations with the British Crown.

Mr. Foot : That would be a subsidiary question, of course.

Chairman : Of course, I shall not rule anything out which is germane to the terms of reference in any way and I shall be glad if anyone will suggest any other matter or any other head that ought to be included in the heads.

Sir B. N. Mitra : May I say a word about the procedure you have outlined ? It seems to me that this Committee can do very little on the matters with which I am largely concerned, financial, or fiscal, or even Indian Labour in Burma. Those would be matters, as I think your Lordship suggested, for settlement between the Government of separated Burma when it comes into existence and the Government of the residual India when that comes into existence. In fiscal matters there must be negotiations which will hereafter have to be conducted by the Legislatures of the two countries. In regard to labour, action of a somewhat similar character will have to be taken. Therefore, I am rather at a loss clearly to visualise what we are going to do in regard to those particular matters.

Chairman : Yes. I did not mention fiscal matters. Of course, as an old free-trader myself, I very much dislike to see new Customs barriers set up between two countries which have not had one. But I am told by those who know that India and Burma are not likely to agree to be in the same Customs Union or not to have some sort of tariff. That will be a matter, as I say, for probable negotiation between the two different governments when they are established, in the way that other countries negotiate about Customs duties. Personally, I should much prefer to see a free trade nation remain a free trade nation.

Rao Bahadur Srinivasan : I do not know whether immigration to Burma would be one more heading.

Sir B. N. Mitra : That, again, is a matter for the two governments to settle when they come into existence. That is what I meant when I mentioned Indian labour in Burma. This Committee may very tentatively deal with the position of Indian labour in Burma once it goes there. But this question of immigration will have to be settled, perhaps, on the lines of the arrangement now prevailing in regard to the emigration of coolie labour—if I may use the word—from Madras to Ceylon and other places. That will be a matter for settlement between the two governments after they have come into existence.

Chairman : Yes. Still, of course, we might make recommendations as to free passage of the subjects of one country into another, and things of that sort. We may make recommendations about them.

Sir B. N. Mitra : It does not exist at the present moment. I am prepared to say that if we consulted Sir Charles Innes he would probably ask us to leave the matter alone for the moment.

Rao Bahadur Srinivasan : It will be brought in later on.

Sir B. N. Mitra : Yes, for the two governments to consider. We cannot lay down the law for the two governments.

Chairman : Quite true, we cannot; but we might suggest certain large principles. Whether they are adopted afterwards or not is another matter. As I said in my opening remarks, I am very anxious that the separation between Burma and India should be an entirely friendly one, and that the relations between the two countries should continue on an entirely friendly basis, as friendly after separation as it was before ; so that they should work together.

Sir B. N. Mitra : I fully share that hope. Unfortunately I feel that it will end up in a pious wish, for the simple reason that India will want money. I am talking now about what we call the fiscal portion of it, if India is going to lose money in connection with the excise. Sir Walter Layton himself said that will probably have to be done in regard to petroleum, and India will miss the tariff on imported petroleum.

Chairman : Of course it is possible to have customs tariffs and agreements about tariffs without quarrelling about it. You need not fall out with another country because it wants a customs tariff for its own purposes. What I am anxious about is that the feeling between the two countries should be and should continue to be as good as possible, and that everything should be settled with a desire for good will and for working well together.

Mr. O. de Glanville : It would very much accentuate the friendly feeling between the two countries if this Committee endeavoured to avoid, as far as possible, settling anything in the nature of a constitution for Burma. The people of Burma undoubtedly do feel and will feel that they are the people who must be consulted first. As regards the Indians in Burma they are the people who best know what protection they want. I think it would be foolish and unwise of us to lay down even general principles on points about which many people here are imperfectly acquainted. The suggestion will come from us at a later stage that, on the Conference which meets here, Indian interests and all the minority interests shall be fully represented ; so that every minority will have an opportunity of representing its case. As I said it would be unwise for us in any way to fetter the Home Government or the Indian Government by premature recommendations when we have not the full facts on which to base them.

Chairman : Of course, it is no part of our duty, under our terms of reference, to draw up a constitution or even a skeleton constitution for Burma. If we get into any danger when we come to those matters of going too far no doubt you will call attention to it.

Sir B. N. Mitra : Mr. de Glanville has practically reinforced my remarks. If we were to give advice about the financial settlement, it might be the sort of advice that was likely to be resented in India and also in Burma, perhaps. The same is true in regard to fiscal questions and matters connected with emigration and labour. As I say, Mr. Glanville has reinforced my observation that these things will have to be left for settlement between the two High Contracting Parties when they are High Contracting Parties.

Mr. Mody : Unless we have some sort of assurance, and we want an assurance of some sort, as to the main principles on which separation is to be effected, how is it possible for any one of us to give consent to separation. While it may not be open for any body to raise the question again in the full Committee, it will certainly be open to do so in the full Conference. The Committee, of course, is not the Conference. Therefore, my feeling would be entirely to agree with you, Mr. Chairman, that we must give an indication in a general sort of way of the main principles on which the separation might be effected.

Chairman : Let us find out, when we come to discussing the actual subject, where we are and what our views are. You see that we are to consider the nature of the conditions which will enable Burma to be separated from India on suitable terms. It does not say that we are to consider the suitable terms ; we are to recommend the best way for securing this end. When we come to each subject, I think we had better take them one by one and see where we are. It is rather difficult to deal with them now in a general discussion.

Sir B. N. Mitra : Mr Mody cannot, in regard to the big general principle, commit his friends in India ; because that, again, will be a matter for the Government of India at the time and for the government and people of Burma. He is looking forward to a sort of popular government in Burma, and to a sort of popular government in India. I, therefore, entirely agree with his remarks. I think at the full Committee I agreed rather with the Marquess of Reading, and I am not sure what the functions are to be of this Committee.

Chairman : I have no desire to extend its functions at all. I agree that we shall have to limit ourselves to generality and not go too far also in regard to them. I am hoping that we shall conclude our labours next week.

Lord Peel : That seems to be a very satisfactory suggestion. I think that we are a little too nervous about details and advice, and about giving advice at all. If we give advice it may not be taken ; it very often is not taken. But I do not think that should prevent us giving our views quite freely without going into details. The details of any sort of convention between the Indian Government and the Burmese Government about tariff duties have to be considered by them very minutely. We are going to consider the matter here in such a way as to enable those to whom we report to arrive at a conclusion. I am extremely interested to hear that the Chairman is a free trader but I was only hoping that, as Under Secretary of State for India, his free trade feelings were not outraged by the views held in India on these questions of protection.

Raja Sher Muhammad Khan : If we are not to discuss financial, fiscal, and other questions, but must leave them to the Government of India and the Government of Burma, what is the use of this Committee ?

Chairman : I think we had better wait until we come to each question and then see where we are. Any advice tendered by this Committee need not be taken, as Lord Peel said. The whole question as far as those who are responsible for framing the constitution and carrying out the relations between the two countries afterwards are concerned will stand in the same position as the Simon Report. The Simon Report is there for anybody to see.

Sir B. N. Mitra : Our position is different. We are having a Round Table Conference and we may discuss questions. The Simon Commission was simply asked to report. Our function, as I understand it, is something higher than that.

U Ba Pe : The function of this Committee, as I understand it, is to find out ways and means for giving proper effect to the separation. It would seem that we must provide machinery for that. We should not go into details but simply suggest the machinery for the purpose. That we can do by suggesting that the matter of finance should be left to the Governments concerned, with the advice of experts if necessary. We need not go into details on the point.

Mr. Foot : Our business, as far as I can see, is to ascertain what questions have to be answered and what difficulties to be faced. It is not for us to find answers in many cases or to solve difficulties. The ascertaining of the questions to be answered will be a very important function for us to perform.

Chairman : Yes, I think that is very largely true.

Mr. Foot : I think we shall find enough to do before we have finished on Wednesday.

Raja Sher Muhammad Khan : When Burma is separated it will not allow Indians to go in.

Sir B. N. Mitra : Even now there are difficulties I know.

Mr. O. de Glanville : The only tax is that levied on passengers into Burma.

Sir B. N. Mitra : I have myself visited Burma and have not been charged a tax. I am referring to coolie labour going in.

Mr. O. de Glanville : The money is used for the development of Burma.

Sir Hubert Carr : It might lead to wholesale migration.

Mr. O. de Glanville : The tendency is to keep the Indian there and not to keep him out. There is one other point, namely, whether this Committee will consider it within its province to suggest to His Majesty's Government through the Conference that there should be, if Burma is separated, a declaration made as recommended by the Government.

Chairman : That is one of the questions that I have put down already. Of course a declaration can only be made after the Plenary Conference.

Sir B. N. Mitra : And even then it will have to go through Parliament, will it not ?

Chairman . No, I do not think so.

Mr. O. de Glanville : The pledges were not given by Parliament.

Lord Peel : It was, presumably, included in the Act of 1919. I suppose that one being Statutory the other is.

Chairman : A declaration will not require the assent of Parliament.

Sir B. N. Mitra : I do not know the procedure here, but a declaration which amounts to an amendment of the Government of India Act would require the consent of Parliament, I take it.

Lord Peel : I think Lord Russell was thinking of something else—not of an Act of Parliament but a declaration.

Chairman : I think what is desired is that His Majesty's Government in this country should announce that they have accepted the decision of the Conference on the separation of Burma and that the necessary steps should follow. That is what you want is it not ?

Mr. O. de Glanville : No. We want something more than that. There are declarations by Parliament, by the Viceroy and others and by the Government that the ultimate goal is responsible self-government. Those promises have been given to India, and Burma is nervous that if she is separated she can be told by those interested: " All these pledges do not apply to you." It has been pressed for that a declaration should be made that it does apply to Burma just as much whether she is part of India or separate.

Chairman : You, I understand, want that included in the declaration.

Mr. O. de Glanville : Yes.

Sir B. N. Mitra: That would clearly be a Parliamentary declaration.

Mr. O. de Glanville : An announcement by the Prime Minister.

Chairman : It is not a Parliamentary declaration; it is a declaration of what the Government intends to do.

(*The sub-Committee adjourned at* 12.20 *p.m.*)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. IV (BURMA) HELD ON 8TH DECEMBER, 1930.

Chairman : You have had circulated to you the draft resolutions and if you think the matters can be usefully discussed, I think we had better take them now. The first resolution is " that the Committee ask his Majesty's Government to make a public announcement that the principle of Separation is accepted and that the prospects of constitutional advance held out to Burma as a part of British India will not be prejudiced." I do not know whether anybody wants to say anything on that.

Mr. Mody : What does that mean ? Does it mean that we are not to say anything about the sort of constitution that Burma is to have ?

Chairman : I think that will be a matter for the Burmese Conference to settle. I do not think we are concerned with that.

Mr. Mody : You will probably at the end come to a conclusion about the advisability of the separation of Burma. It will be very difficult to come to any conclusion unless we know the sort of constitution Burma is likely to have. There is a passage in the Government of India Despatch that certain definite declarations should be made with regard to Burma. This seems to me the proper time at which that might be considered.

Chairman : Yes. So far as the declaration is concerned I have a form of words here. That was raised here last time and I have a form of words which I think would meet the position. The form of words I suggest is " That the Committee ask His Majesty's Government to make a public announcement "—that of course would be after a Plenary Session of the Conference had approved—" that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by separation." I think that is as far as the Committee can go. We cannot go into the details of the constitution, that must be a matter for Burma to settle.

Mr. Mody : That may be, but I think something more is needed than the words you have just read out. After all, those words do not go as far even as the Government of India Despatch. The Government of India Despatch said it must be plainly declared that the constitution would be related to the various pronouncements of policy made in 1917 and 1919 and so on.

Mr. Foot : There is a statement in the Government of India's Despatch, and in the Despatches from Provincial Governments, there is a passage which I think I might read in paragraph 7 of page 240. It covers the point as far as I can see, and this is endorsed, as Mr. Mody said, in the Government of India Despatch. The passage to which I refer in the Despatches from Provincial Governments reads :

" It is of great importance that it should be made clear beyond all possibility of doubt or question that the separation of Burma will not involve for Burma any departure from the statement contained in the preamble to the Government of India Act, 1919, that the objective of British policy is the progressive realisation of responsible government in British India as an integral part of the Empire. As the Commission say, that statement constitutes a pledge given by the British nation to British India. When the pledge was first announced in August, 1917, Burma was a part of British India. The pledge, therefore, was given to Burma as well as to India, and even if Burma is separated from India, the pledge still stands for Burma unimpaired and in all its force. The Government of Burma could not possibly agree to separation on any other terms, and they trust that His Majesty's Government will see fit to set at rest any doubts that may still exist on the subject by the wording of the terms of reference to the Commission. They attach importance to the point, for the allegation is frequently made in that section of the public press of Burma which is opposed to the recommendation of the Statutory Commission that the British Government will seize the opportunity of separation to reduce Burma to the status of a Crown Colony."

That is the passage endorsed by the Government of India. The procedure contemplated is that if separation is agreed to there shall be set up a Commission, and that that Commission should go into the various matters and should indeed be the Commission for the setting up of the constitution. It was contemplated that the Committee should consist of Members of Parliament. It was discussed whether that Commission should include members of the Burmese Government as well, but the point was that the interests concerned could best be dealt with by representatives of the Commission set up. The only way the constitution could be dealt with would be by the setting up of a Commission in some form to be decided later.

Sir B. N. Mitra : The point is that the prospects of Burma for constitutional advancement are to remain unaffected. That is brought out in the passage quoted by Mr. Foot. That being so if we simply affirm that the prospects held out remain unaffected, the point would be met.

Chairman : I think that the draft resolution I read out does exactly meet the point. The prospects of Burma will not be prejudiced by separation. I think that exactly meets the point. If you look at Clause 90 of the Government of India Despatch you will see it is suggested " that an announcement should be promptly and publicly made that the policy of separation of Burma from British India has been approved, and that consideration will at once be given to the question of the new constitution of Burma." Does not the form of words I have read cover the point raised ? The position of Burma is not to be prejudiced in any way.

Lord Peel : Surely the statement which the Chairman read makes it perfectly clear.

Chairman : If we all mean the same thing it is only a question of words. I should have thought this form of words which I have read covers in terms what you mean.

Mr. Foot : Would it meet the point if instead of " unprejudiced " you used the word " unaffected " ?

Chairman : The form of words proposed is " that the Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by separation." Does not that cover the point ?

Mr. Mody : It covers the point, but I do not think it is as precise as the Government of India Despatch. That Despatch says :—

" When the announcement of August, 1917, was made, Burma was, as it now is, a part of British India. The progressive realisation of responsible government was promised to Burma equally with the rest of India. It is important that the pledge then given should be reaffirmed to a separated Burma."

My point is that there should be a clear re-affirmation.

Chairman : I should have thought myself that nothing could be clearer than this. The position of Burma is not prejudiced. That means that it stands at least as well as it did.

Mr. Mody : If the rest of the Committee are satisfied I have nothing more to say.

U Ba Pe : It is clear that if separation is carried through, the Burmese people should have a guarantee of the status which their Government should occupy.

Lord Peel : After you have got the constitution of course.

Mr. Foot : What was contemplated was that there should be some expression of opinion that would meet the requirements of the Burmese people. Could not that be considered later ?

Chairman : We have not settled the status of India yet, or its exact status, in terms.

U Ba Pe : The Burmese status should be the same as for India as India will be.

Mr. Foot : It might not be the same.

Mr. Mody : The Government of Burma, any way, indicated clearly what they had in view when they said it must not be regarded that Burma is going to be a sort of Crown Colony. If I were to take up an extreme position, why should I agree to anything at all on the principle of separation, if Burma is after all going to be a Crown Colony ?

Chairman : I think we are all agreed about that.

Mr. Mody : I wanted a clearer definition, that is all.

Chairman : I do not think at this stage we can very well go further than this. This resolution says that everything will remain in force that has been promised to Burma as part of British India. It will not be prejudiced by that, and therefore it will be in at least as good a position as it was before the separation. I do not know whether the Burmese delegates think it goes far enough, and makes it clear.

Mr. Ohn Ghine : I think as far as this sub-Committee goes, it is probably all right, but I think Burma would look for a fuller declaration by His Majesty's Government.

Mr. Foot : And that would not be this Assembly. They were not looking to this Round Table Conference at the time they made that request. They expressly asked that it should be in the terms of reference to the Commission when it should be set up. That is the time to see to the exact wording.

Chairman: Yes, I think you will find full implications of that when you have the reference to the Commission or Conference, or whatever it is that sets up the Burmese Government. Here we are simply saying, " No worse off than we were before."

Mr. de Glanville : What I take it this Committee is doing is asking His Majesty s Government to make a declaration, and that declaration would naturally be more full than this recommendation.

Chairman : I understood that the object was that an early declaration should be made by His Majesty's Government—that is to say, within a week or two.

Mr. Mody : Would not the Plenary Conference, or His Majesty s Government later on, when they appoint a Commission for Burma, look to the recommendations of this Committee for an indication ?

Mr. Foot : It seems to me that we shall have to consider the recommendation as to the setting up of the Commission.

Chairman : I am not sure whether we shall.

Mr. Foot : I did not know. I beg your pardon. I thought that would be so.

Chairman : May I take it this way, that we will agree to this provisionally to-day and if you like I will have this resolution circulated to the Committee, and we will consider it again to-morrow and see whether there is anything in the words which needs improving. I think myself that it is quite without ambiguity. Shall we take it that way for to-day ?

Mr. Mody : If you please, Sir.

Chairman : Our next one is " Before separation can be effected, a new constitution must be devised for Burma. Should the Committee stipulate that protection must be afforded to the legitimate interests of Indian and other minority communities in Burma ?" What other minority communities are there ?

Mr. de Glanville : There are Indian, Anglo-Indian, Chinese. On this point I have been considering the matter, and talking with one or two members, and I have drafted a resolution which, if you will allow me, I will read, and which possibly might form the basis, any way, of discussion. It reads as follows :—

> " The Committee is of opinion that the legitimate interests of Indian and other minorities must be safeguarded. It is not in a position to advise as to the particular form of protection these interests require. It considers that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The Committee considers that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be made for the regulation of the conditions of both the work and life of the immigrants and especially stresses the importance of there being no discrimination as regards Indians entering Burma. '

I think that all the Burma Delegates would agree to something of this nature, and I think that public opinion in India and among the Indian delegates requires that there should be some recommendation of this kind from the Conference.

Chairman : " The conditions of both the work and life," I suppose, means something corresponding to what the Government of India do in Ceylon.

Sir B. N. Mitra : That is right, in Ceylon and Malaya.

Chairman : Discrimination as between whom ?

Mr. de Glanville : As regards Indians and others entering. I will ask Sir B. N. Mitra to explain that. I put it in after consultation with him. The idea is that if there is to be any legislation excluding, say, coolies or paupers, it should not be directed at Indians only ; it should include all coolies and all paupers. If, for instance, there is a tax on people coming in, it should be on all people coming, and not only on Indians. If we legislate and say that a man is only allowed in if he has work to come to, or must have so many hundred rupees when he lands, that must apply to all immigrants and not only to Indians. That, I think, is what is intended.

Sir B. N. Mitra : That is what is intended.

Mr. de Glanville : I would leave Sir B. N. Mitra to explain that.

Sir B. N. Mitra : I think you have explained quite correctly my intention when I agreed to this form of words.

Mr. Mody : I suppose that this includes commercial as well as political interests.

Mr. de Glanville : Yes, it includes everybody.

Mr. Mody : It means both commercial as well as political status ?

Mr. Foot : What is recognised there is that the Government of India is to be able to express its opinion. That is in accordance with the Government of India's Despatch when it says that " the Government of India could not therefore disclaim all concern in the framing of a new constitution for Burma, and we would expect that in the process of enquiry Indian opinion would be given adequate opportunity to be heard on all matters touching Indian interests in Burma." I gather that this had regard to that passage.

Chairman : That is what I said last time—that obviously in framing the Burmese constitution the Indians would be interested to the extent of seeing that the minorities were protected and their minority in particular.

Mr. de Glanville : Yes, of course, I put in the Government of India there, thinking that the Government of India would be likely to express the Indian view ; but of course the best people to say what is required are the Indians in Burma, so I want both to be heard, and it was therefore drafted in that form.

Sir B. N. Mitra : Of course, there are both classes in Burma—the Indians in Burma and the Indians in India who may have business interests in Burma, and the second class would not make direct representations to the Government of Burma, they would make representations to the Government of India who, after considering their views, would express their views either to the Burmese Government or to the British Government.

Chairman : Labour immigration is practically free in Burma, is it not ?

Sir B. N. Mitra . Yes, practically so.

Chairman : So that any legislation of that sort, however general in form, would really be dealing with Indian immigration of labour, would it not ? I was thinking of a case of this kind. Suppose the Burmese Government thought that for various reasons—there may be a great many reasons—not so many were wanted in any particular year, and wanted to limit the number, would that be considered discrimination as regards Indians entering ?

Sir B. N. Mitra : If the Government of Burma were allowing the free entry say, of Chinese labourers, and restricted the entry of Indian labourers, that would undoubtedly be discrimination, but so long as they passed statutory rules or legislation that the entry of labourers into Burma should be restricted, it would be all right.

Mr. de Glanville : Apart from Indian labour, at times there is a very large influx of Chinese labour. We import them largely into places where we have mines. It is almost entirely Chinese labour in those parts. We have Chinese labour coming up from Penang to work the ships.

Lord Peel : But am I wrong or not in saying that most of the labour that comes to work in the paddy fields is Indian ?

U. Ba Pe : They are Indians.

Lord Peel : The Chinese immigration is important in certain lines, but it does not affect that particular class of immigration, does it ?

U. Ba Pe : No, it does not.

Mr. de Glanville : I was only raising a point in this connection, that supposing for various reasons the Burmese Government thought that there was too large an amount of Indian labour being contracted for to come over in a particular season, and supposing they said, " Well, it shall be limited to such and such a number "—I will take 20,000—apparently under this the Government could not do it, because you would also have to make some limitation about Chinese labour. It might be that the Chinese labour was doing something different, and you might not want to limit that.

Sir B. N. Mitra : That would be discrimination.

Lord Peel : It would be, but you might want to discriminate, might you not ? I am only raising the point.

Sir B. N. Mitra : Indian opinion would undoubtedly object to it. They would not regard it as an expression of good-will on the part of Burma. If you had to pursue that to its logical and furthest conclusion, well, Burma might want to replace Indian labour by Chinese labour. That would not be an expression of good-will.

Lord Peel : That would not, certainly.

Sir B. N. Mitra : Who is going to decide these matters ? For that reason we have put it in this general form.

Lord Peel : But I can easily conceive of cases, for instance, we have a good deal, in this country, of Irish labour coming over to work in the harvest. Well, if a smaller number is wanted, if the harvest is bad, notice is sent out to say they may not come.

Sir B. N. Mitra : That is another matter, because immediately Burma is separated I feel sure that there will be an immigration officer in Burma, and he will pass out the notice that no Indian labourer need come in ; but all I am trying to safeguard here is discriminatory action by the Government of Burma. The one thing is voluntary ; the other thing is what I might call enforced.

Lord Peel : I see ; one is done in the ordinary commercial way, and is done sufficiently already. You think the Government need not step in at all ?

Sir B. N. Mitra : That is my point—that the Government of Burma must not take any legislative action, or must not pass legislative regulations which will have this effect, as it will show that they are making discrimination which will immediately destroy goodwill. On the other hand, the immigration officer of India in Burma will say that there is no employment at the present moment, and therefore Indians should be restricted from coming.

Lord Peel : You mean that the immigration agent would do it, and not the Government. That is what it comes to ?

Sir B. N. Mitra : Yes.

Rao Bahadur Srinivasan : There was a good deal of trouble about that. So many laws and regulations were made, and similarly this may happpen in the course of time.

Sir B. N. Mitra : As a matter of fact, that is precisely what I had in view. Enforced repatriation took place, which practically means discrimination.

Mr. Foot : This, I take it, my Lord, should be an instruction to whatever authority has to deal with the actual framing of a Burmese constitution ?

Chairman : Yes, I understand the whole of these sentences in this resolution to be an indication of what the Committee think ought to be taken into consideration—certain aspects of the case which the Committee think ought to be taken into consideration in framing the constitution. That is really what the effect of it is. They are things that obviously you would have to take into consideration. I do not see any objection to this.

U. Ba Pe : This suggestion assumes that the majority in Burma will control the policy of the Government. If the majority does not control the policy of government, then there is no necessity for special protection of the minorities, because the minorities will be controlling the policy, as at present in Burma.

Chairman : Well, I am afraid I do not understand the last sentence.

Mr. Foot : It assumes a responsible government.

U. Ba Pe : In Burma the Indians and other minorities combined, and they are running the whole show there, so what you want is special protection for the majority. If it is a popular form of government, then I agree that the minorities must be protected.

Sir B. N. Mitra : This refers to a new form of government, in which I, for one, hope that the Burmese will have the fullest possible self-government.

Mr. Mody : They do not propose that Burma should be run by Indians. I would like a little enlightenment on these words—" provision should be made for the regulation of the conditions of both the work and life of the immigrants."

Sir B. N. Mitra : Yes, that follows what has been done both in Ceylon and in Malaya.

Mr. Mody : Would that exclude the sort of thing which took place in South Africa, where educational and other tests were laid down for the immigrant labourer, or would it merely mean this, that so long as the Burmese Government made regulations for all the immigrants, Indian as well as Chinese, no more will be said about it.

Sir B. N. Mitra : The second part really comes in in the last passage—that there will be no discrimination as regards Indians entering Burma; but if the Burmese Government of the future lays down a general restriction that no labourer should be allowed to enter Burma who does not possess certain minimum educational qualifications, I for one do not see how you could stop it. I should certainly object to their having one rule for the Indians and another rule for the Chinese, but to a general rule which the Government of Burma for the future might desire to lay down, I, for one, cannot possibly see any objection, and that is the reason I used the word " discrimination ".

Chairman : When they import Indian labourers into Burma, do they import them for the purpose of passing examinations or for the purpose of doing work ?

Sir B. N. Mitra : What Mr. Mody was referring to was this. In South Africa you have got the educational test now, and people who do not possess a certain amount of English education will not be allowed to enter South Africa. That is what Mr. Mody is referring to.

Chairman : Yes, but that is because South Africa, as an independent Dominion, is discriminating against Indians, is it not ?

Mr. Mody : But supposing an independent Burmese Government discriminated against us ?

Sir B. N. Mitra : That is why I put in the last sentence.

Mr. Mody : I quite see the point, but these words, I think, do not carry out that objective.

Sir B. N. Mitra : Why not ? They very fully carry it out. The first point is, the labourer enters Burma, and it would be said there should be no discrimination against him. The previous passage refers to the labourer after he has got into Burma. Then there should be a regulation of both the work and life. As soon as there has been an immigration, then there should be regulation of work and life, exactly as is happening now in Malaya and Ceylon, but before he becomes an immigrant there should be no discrimination against him as compared, say, with the Chinese labourer. So the wording there makes it quite all right.

Mr. Mody : Do I understand you to say that while the future Government of Burma cannot discriminate against Indians in the sense that they cannot give them less good terms than they would give to the Chinese, it would be open to them to give them less favourable terms than to the Burmese.

Sir B. N. Mitra : The Burmese are inhabitants of the country. That is the fundamental difficulty. I personally see no objection to their laying down that before anybody comes into Burma he must possess certain fundamental qualifications, be he a Chinese or be he an Anglo-Indian or be he an Indian. To that, from the point of view of the people of Burma, I cannot see any objection, but the Burmese Government of the future must not make a discrimination against the Indians in that matter. If South Africa had laid down a regulation that this applied to everybody, I do not think India would have objected.

Rao Bahadur Srinivasan : I do not think any discrimination should be made between a labourer and any other men, merchant or tradesman, who goes there. If anybody goes there, if he is domiciled he gets the domiciled right, and his children are bound to get the same education as anyone else in Burma.

Mr. de Glanville : But this does not refer to labourers here.

Rao Bahadur Srinivasan : No separate law should be made for that.

Mr. Mody : We should separate the sentence, because the sentence begins with immigrant labour.

Mr. de Glanville : Why not put " no discrimination " up higher ?

Sir B. N. Mitra : Well, put a full stop after " immigrants," and then say " The Committee also specially stresses the importance . . ." That would meet Mr. Mody's point.

Chairman : Make a new sentence of it.

Mr. Shiva Rao : I want to suggest that in the very last sentence as regards entering Burma, I should like to elaborate it a bit by saying Indians entering or resident in Burma. I am thinking of the difficulties that Indian labourers in Ceylon had recently with regard to the exercise of the franchise. I think it would be well to safeguard against similar difficulties arising in Burma.

Chairman : In Ceylon you asked for the best of both worlds, did you not ? You both asked that you should exercise the franchise as a native, and that you should be protected by the Indian Government as an alien.

Sir B. N. Mitra : What Mr. Shiva Rao says is, " it considers that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views." It is really a limitation of that provision, it is not a new provision ; and whether this Committee should recommend the limitation of that provision immediately, or leave it to that particular settlement, is a matter open to consideration. I, for one, would leave it to be settled as part of the general proposition.

Chairman : I think you are right. I think " minorities " is fuller. It gives you the opportunity of the minorities in the country being represented and making representations to Burma.

Mr. Foot : And, of course, we have here the really important principle that the Government of India shall be able to make whatever representations are needed on behalf of Indian subjects. It is not that they would be confined to the precise wording, or that

they would consider themselves to be within the four corners of this. They have then got their status and this is simply an indication of where we think the enquiry should be. They will not be bound down by these words at all, and they will make all their representations before the body making the Constitution.

Mr. Ohn Ghine : I should like to suggest that the last paragraph be omitted. I do not believe in forcing the good-will of the Burmese Government by legislation, nor do I believe in tying up the hands of the Government so that it can do nothing. I think it will be sufficient if the point is referred to the Committee set up to draw up the Constitution later on.

Sir B. N. Mitra : I rather prefer to keep the words because they express the views at least of probably all the Indian members on this question.

Chairman : There is no harm in saying that in framing the constitution attention should be paid to this point, and then you can see later whether there are any constitutional provisions to be inserted. As I said the other day—and I think I was a little misunderstood—when I said that our Report in this Committee in a sense resembled the Simon Report, I think it was a little misunderstood, but what I meant was this, that so far as the Conference that settles the Constitution of Burma is concerned, this will merely be one of the reports and pieces of advice that is before it, just as the Simon Report is one of the pieces of advice that is before this Round Table Conference. I think it will probably be the most convenient form for everybody that we should consider these resolutions as we pass them for the time being, and bring the lot up together at our last meeting, as a whole, to see that they cover everything. We will have them circulated in time. Subject to that, would the Committee be prepared now to agree to this expression of opinion under head No. 2.

(*Agreed.*)

Then we might go on to No. 3, " Similarly, there must be a financial settlement. Can the Committee suggest how best this financial settlement should be effected ? Does it wish to make any suggestion as to the spirit in which the problem should be approached ?"

U. Ba Pe : The suggestion given in the Governor of Burma's Despatch was quite good.

Chairman : Could you refer me to the page ?

Mr. de Glanville : Each Government should state a case, and refer it to impartial arbitrators. That is it briefly.

Mr. Foot : And they want neutral and impartial arbitrators. It is on page 246 of the " Reforms Despatches from Provincial Governments in India " : " It is believed that by correspondence and negotiation between the two Governments, it will be possible to reach not indeed agreement on all the points at issue but an agreed statement of the case, and it is proposed that this agreed statement of the case (or if even this measure of agreement cannot be reached, the views of the two Governments) should be laid before a Board of neutral and impartial arbitrators." All they are anxious for is that there should be a neutral and impartial enquiry. Assessors can be there representing the opinions of both Governments, and that is probably the clearest way of arriving at a decision. I should have thought that it was open to this Committee to endorse that recommendation.

Chairman : This is the Government of India Despatch, para. 93 : " It is clear that the separation of the finances of the country will raise extremely difficult issues, requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local Government that the best method of approaching this difficult problem is to endeavour, by mutual co-operation between the Government of India and the Government of Burma, to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature, and will include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional Commission could deal satisfactorily with these questions, for its functions would be entirely different, as also its probable method of enquiry. In arriving at a financial settlement the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of the arrangements very jealously, more particularly the allocation of debt burdens. We believe that a Committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses, or possibly assessors, from India and from Burma." You will remember that I suggested, as a development of that, that it might be advisable that two or three members of the Legislature of each country should be associated with these experts, just to make sure that the case was properly presented, and really to transmit to the public the fact that everything had been properly done and presented.

Lord Peel : I was not quite clear what that meant, because they talked about experts and it sounded judicial.

Chairman : They did mean a judicial or quasi judicial settlement in the end.

Lord Peel : Do they mean judges ?

Chairman : I agree that it seems an extraordinary thing.

Sir B. N. Mitra : It is apparently the judges of the Privy Council who would be advised by assessors, and I think the Government of India are correct in stating that only a judicial decision will be really acceptable to Indian public opinion. I do not know much about the public opinion in Burma.

Chairman : I know. I should have thought that it was an inappropriate decision. Of course, you will get a perfectly fair opinion from the Privy Council.

Sir B. N. Mitra : There had been some similar subjects in the past. For instance, India's differences with the War Office have occasionally been referred to the Lord Chief Justice of England, and perhaps a decision by judicial authority will be more acceptable to either country.

Mr. Shiva Rao : Is not the constitution of a tribunal being contemplated for the settlement of disputes resulting from the last Imperial Conference ?

Mr. de Glanville : May I say that the Burma Delegates, I think, would be perfectly prepared to leave it to His Majesty's Government to appoint the arbitrators.

Chairman : That is what in fact would happen, but I understand the suggestion of the Government of India is one that would give the greatest confidence to both countries. Of course, that is an important item, and no doubt when the time comes that will be considered. But I would again, if I might—it is included in the last head here under No. 3—call attention to this : " Does it wish to make any suggestions as to the spirit in which the problem should be approached ? " Now, I should be very much inclined to suggest that instead of a legal enquiry, with a Conference going into all possible figures, and all possible claims and counterclaims being raised by Burma against India and by India against Burma (and we most of us know what those claims are on both sides) it might be possible to settle the thing in some friendly way very easily, if there was a friendly spirit on both sides. India is inclined to think that for some things Burma owes it considerable

sums of money. Burma, on the other hand, is inclined to think that there is a considerable set-off against that. That really is the position, is it not, and I should have hoped that it might be approached in a friendly spirit and possibly settled without what, as it seems to me, would be very great expense. Of course, there are definite things which you would have settled by a Commission—the posts and telegraphs, the railways, and so on—things that are physical assets that are going to be handed over; but the general questions between them, I should have thought, could have been settled almost by agreement.

Mr. de Glanville : I think that is the idea of the Government of India—that we should only submit the points of dispute. Wherever the Governments can agree, there would be nothing to refer.

Sir B. N. Mitra : I should prefer to endorse the views of the Government of India, but once we try to give that advice to a third party, the advice may be misunderstood. It is quite possible that when preparing the statement of the case there may be a great deal of good-will, but when we try to impress it upon third parties, it may have just the opposite effect.

Mr. Foot : It says "a committee of the Privy Council." What would that be ? It is a very general term, is it not ?

Lord Peel : If it means the Privy Council, I do not object, but I should have to dissent if it was really said that disputes of this kind, in which fact and history largely enter, and in which there is not much law, should be settled by judges. I think judges are very good, of course, in dealing with law. I do not think they are equally good at dealing with all questions where finance, and the balancing of some of these great policy questions, come in.

Mr. Foot : Do you think that was meant by this, when they say "we believe that a committee of the Privy Council"—it is a small "c."

Chairman : We were talking as if it was the Judicial Committee.

Lord Peel : May I just say that I do not want it settled by judges. So long as there is no objection to that my point fails altogether.

Chairman : What is really wanted is consideration by honest people of common sense.

Sir B. N. Mitra : I think the question of referring it to any tribunal set up by the Imperial Conference ought to be considered.

Chairman : I do not think we had better tie ourselves up with another Conference.

Sir B. N. Mitra : It is not a question of tying up. If, for example, both governments found there would be a committee set up by the Imperial Conference and both countries became, as they probably will become Dominions, they might prefer that the matter should be settled by the Standing Tribunal set up by the Imperial Conference.

Chairman : Do you not think we can find at least as good a Committee ?

Sir B. N. Mitra : I am not questioning the efficiency of a particular Committee. I am only looking at it from the point of view of which machinery would be the more acceptable to both parties.

Chairman : If it is more acceptable, that is a reason for adopting it. I agree.

Mr. de Glanville : I think that the Committee of the Privy Council would be more acceptable to Burma than an unknown Committee to be formed in the future. We do not know what the Committee to which Sir B. N. Mitra refers, is going to be. The Privy Council is known.

Sir B. N. Mitra : This Standing Committee has been formed by the Imperial Conference.

Mr. Foot : Has that tribunal any competence to deal with finance ?

Sir B. N. Mitra : I am told that it will deal with all disputes between Dominions relating to finance and other matters, but I do not know much about it. I have not seen the details.

Chairman : May I read this suggestion to the Committee and see if we are agreed ?

> "The Committee consider that there must be a financial settlement between India and Burma. The questions are very difficult and technical and the Committee consider that they should be dealt with in the manner recommended by the Government of India in paragraph 93 of their Despatch. The Committee also recommend that when the case has been thoroughly explored by the experts of the two Governments the statements prepared by those experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively and that representatives of those Committees should be associated with the experts in the proceedings of the Arbitral Board. The Committee also endorse the view expressed by the Government of India in paragraph 86 of their Despatch regarding 'the great desirability . . . of adjusting the relations between the two countries in a spirit of reason and mutual accommodation, so as to avoid as far as possible the ill effects which might arise from so great a change in long-established practice.' They venture to express the hope that all negotiations between the two Governments whether in relation to the financial adjustment or to other matters will be approached in this spirit."

That I think expresses roughly what we have been discussing.

Sir B. N. Mitra : It leaves the precise agency open. I have no objection to that.

Chairman : Then I take it that is agreed.

(*Agreed.*)

Chairman : The next head of subject for discussion is No. 4. "Before separation, adequate arrangements must be made for the defence of Burma. Can the Committee usefully make any remarks on this subject ?"

Sir B. N. Mitra : I think we can only endorse the statement. The Government of India have passed on the views of the Commander-in-Chief. He says there will be no difficulty. I believe that that is all that is wanted. I for one would not feel competent to make any specific suggestion on the subject. I do happen to have been associated with the Army in India for 10 years, but on a matter of that sort I should hesitate to make any specific suggestion. I think we need only accept the principle and leave it to be discussed separately.

Chairman : What it comes to is that there is no military objection to the separation of the two armies. I understand that, but Burma no doubt would have to consider where its army is to be obtained. It might have to enter into arrangements with India for the purpose.

Mr. Mody : Would you not decide that if military defence is to be separate from India that a Committee should be appointed to consider the adequacy of the arrangements made by Burma ?

Sir B. N. Mitra : I think we need only subscribe to the statement that before separation adequate arrangements must be made for the defence of Burma.

Chairman : The Committee recognises that adequate arrangements must be made for the defence of Burma after separation but the precise nature of those arrangements must be decided in the light of expert military opinion. I should think you would probably all agree to that.

Sir B. N. Mitra : Is there any objection to adding that it should be decided on the advice of a separate Committee ?

Chairman : Is not that all a matter of arrangement by those who deal with it on behalf of each Government ? They must decide it in the light of expert military opinion. That I think will be agreed. The military experts will not decide, but the Committee must get their advice before the Committee can decide.

Sir B. N. Mitra : It is not a matter of material importance, but it might satisfy some members of the Committee if you put in that it should be decided on the advice of a separate Committee.

Chairman : A separate Committee of whom ?

Sir B. N. Mitra : We do not recommend the constitution of the Committee. We simply follow the Government of India in their recommendation. You may have to put on members of the Legislature themselves.

Chairman : That is after the separation ; that is after you have settled what you are going to do in each country ; you would then constitute a Committee to co-ordinate. That is a different thing. I think you had better leave it as it is. I do not see at this stage what Committee would be best to settle it.

Mr. Mody : If you are silent about the machinery I think it would be better that you should also be silent with regard to the expert military opinion ; if one thing is obvious the other should be obvious as well.

Chairman : " The Committee recognise that adequate arrangements must be made for the defence of Burma after separation but they consider that the precise nature of these arrangements must be decided in the light of expert military opinion." I do not know what other opinion could decide it except military opinion. Of course there are also financial considerations.

Mr. Mody : I suggest that it must be devised by such machinery as may be set up by the two governments. I would rather leave it in those very general terms, if you are not going to commit yourselves to the recommendation of the Government of India.

Sir B. N. Mitra : The Government of India has no recommendation.

Mr. Mody : No, with regard to the military defence of Burma after separation.

Sir B. N. Mitra : That is a different matter.

Chairman : I understand the words objected to are :—" In the light of expert military opinion." What does the Committee feel about that ?

Sir B. N. Mitra : It does not limit it to expert military opinion. The people who have got to decide it will naturally take into consideration other matters.

Chairman : Of course they will ; but I mean obviously the first thing you must say to your Generals is : What do we require to be defended with, how are we to be defended, how is it to be arranged ? You must get that first.

Sir B. N. Mitra : I wonder if it is permissible to us to seek the advice of Sir Charles Innes.

Chairman : Certainly.

Sir B. N. Mitra : Then may we ask him if he has any suggestions to make ?

Chairman : Sir Charles you know much more about it than I do.

Sir Charles Innes : Perhaps the best thing will be for me to explain what my own views are with regard to this matter. It is quite obvious—and I think this Committee will be the first to admit it—that none of us here are competent to say what these adequate arrangements for the defence of Burma consist of. It is quite obvious also that those adequate arrangements must be made before Burma is separated ; we must be sure of our security. My own view, in which I hope the Government of India will allow me to proceed, is : first, we should have a General commanding the independent district of Burma. I have mentioned that in the Despatch we wrote to the Government of India. We should be at liberty to consult the General Officer Commanding in Burma ; we should get his views as to what arrangements should be made for Burma. When we have got his views I also ask that we might send up what the General thought to the General Staff of India for their advice. I have reason to believe that General Staff will be very ready to advise the Government of Burma. I think all the Committee will agree that that is a sensible way in which to approach this problem. If I may say so, it seems to me the very essential point for this Committee to make is that there must be adequate provision for the defence of Burma before it is separated and they must leave the precise nature of those arrangements to be made in the way I have suggested.

Sir B. N. Mitra : Yes ; that clears up my mind ; the matter is one fundamentally for Burma and not for India.

Sir Charles Innes : We should very much like to have the advice of the General Staff and they are willing to give us advice.

Sir B. N. Mitra : Yes, I accept your form, Sir.

Chairman : I think it has to be decided by the two countries, though Burma is not immediately interested in the North West Frontier. Will the Committee agree to accept this proposal as I read it.

(*Agreed.*)

" (5) After separation subjects now classed as Central will be administered by the Government of Burma, and preliminary arrangements must be made by the Government of Burma. Can the Committee do more than record the fact."

Sir B. N. Mitra : Nothing more, Sir ?

Chairman : I do not think you can. I have a note here which I think will cover it : " The Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific services, such as the Geological Survey of India, the Survey of India, the Indian Meteorological Department, and also the Indian Lighthouse Service."

Sir B. N. Mitra : May I make one observation ? I ask you to cut out the Geological Survey of India, I have administered that Department ; it was within my portfolio. I know there is a separate section of the Geological Survey for Burma, and if there is any scientific service, in which a clean separation is possible at the present day I think it would be the Geological Survey.

Chairman : It would be quite easy, would it ?

Sir B. N. Mitra : Yes, as far as I know.

Chairman : Do not you use the same headquarters and the same place for printing and publishing your records and things of that sort ?

Sir B. N. Mitra : To some extent. There is a Director in Calcutta. There is a Burma party which works throughout in Burma ; I believe they have now got an office in Burma and records also in Burma. I would not specifically mention the Geological Survey because it might frighten people.

Chairman : I think it might be wiser in this resolution to stop at the words " certain scientific services," without specifying any of them, because it is obvious that there are some in regard to which it might be wise to continue as at present.

Lord Peel : I suppose in this service there is an interchange of officials between India and Burma.

Chairman : After all, this Committee has only to make very general recommendations ; shall we merely speak of " scientific services " ?

Sir B. N. Mitra : Yes.

Chairman : Then perhaps we might say : " the Committee recommend that it should be considered whether, subject to the consent of the Government of India, and on terms to be arranged, the Government of Burma should continue to make use of certain scientific services." Then when they get together let them decide which it is wise to combine and which it is wise to separate.

Sir B. N. Mitra : Yes.

Chairman : Will the Committee agree to that provisionally in that form.

(*Agreed.*)

" (6) Does the Committee wish to record an opinion that a Trade Convention between the two countries is desirable ? " I should think it is emphatically desirable but it must be a matter for the two governments to decide. Personally, I hope the interchange of goods and passengers between the two countries will be as free as possible ; you do not want to hamper trade or commerce by any restrictions. Would this form of words meet the question : " The Committee expressed the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma ; they believe that a Trade Convention would benefit both countries and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries." Is that the view of the whole Committee ?

(*Agreed*).

Then we will put it in that form.

" (7) Does the Committee wish to make any recommendation that His Majesty's Government should make an early announcement on the principle of separation ? " We have already had that. That finishes all I have on my paper.

Mr. Ohn Ghine : In connection with item (7) would it be possible to consider the question of machinery to deal with the Constitution ?

Chairman : You mean machinery to be set up to form the new Constitution ?

Mr. Ohn Ghine : Yes. I have suggested that a Conference should be called.

Chairman : Yes, you have suggested a Conference to be called here, I know ; but I am not sure that it is a matter for this Committee or for the Round Table Conference properly speaking, what machinery is to be set up to settle the Constitution of a new country.

Mr. Foot : There have been different suggestions. The suggestion as I understand from you, my Lord, was that there might be a special Commission for the purpose or there might be a Round Table Conference. I should think obviously the Round Table Conference cannot settle the Constitution because that would involve work of a very intricate character. The Round Table Conference can arrive at general conclusions but the framing of a Constitution would require a concentrated effort. I was very interested to see the expression of Burman opinion upon that and the comments of the Government of India upon it also. If there is a Commission representing not only Parliament but Burma, then upon that Commission different interests must be represented, and that would result in the Commission becoming too large for that purpose. I understand it would not be inconsistent with Burman opinion if there were a Commission of qualified men with every representation that could be made by Burman opinion and by the several interests concerned. But apparently they were so anxious to proceed with the matter that they were pressing that the Commission to be set up should be doing its work in January of 1931. That is contained in a letter of August of last year. Of course that is impossible.

Chairman : That would be sooner than would be possible.

Mr. Foot : That would probably be before the Round Table Conference completes its work. I do not know whether, my Lord, you would consider between now and to-morrow whether that would come within the terms of reference. One does not want to go outside the terms of reference ; but surely, if it is going to be discussed somewhere it can with advantage be discussed here rather than in the Plenary Conference outside.

Chairman : Yes ; I am not going to shut out a general discussion of it. I can tell the Committee quite frankly that His Majesty's Government have not yet come down on any definite view as to what is the best method ; but I do not think there is really any harm in our talking round this Table about the advantages of one course and another ; I think it must be a good thing to do so. I myself should rather like to hear from the Burmese representatives present how much minority opinion in Burma is not represented at this Table. I have received, I suppose, in common with everyone else, a pamphlet from people who call themselves the true Burmese or something of that sort, and they say they are against separation.

U. Aung Thin : They are a minority.

Chairman : How much of a minority ? I do not suppose you would endorse all the violent language which is contained in that pamphlet which was circulated.

Mr. de Glanville : There are a number of politicians and each politician of course, claims that he represents Burma and the other politicians do not. There are a certain number of people who correspond to what is known as the Congress Party in India. Most people in Burma want separation. If you refer to this Memorandum which has been sent in and circulated, you will find there a paragraph in which they say that Burma will never agree to be under a self-governing India. Everybody in Burma is unanimous for separation. These people who say they do not want immediate separation, say this in paragraph 23 : " It is true that no one in Burma believes that the Burmese would acquiesce permanently in being governed by a self-governing India, but at this juncture Burma feels more certain that immediate separation is not desirable." Their position is that they wish the Indian to go on fighting the battle of Independence for them. I suppose they hope that if India succeeds in overthrowing the British Government, they will then have a better opportunity of doing so than if they were separated.

Chairman : Do you mean obtaining independence or overthrowing the British Government ?

Mr. de Glanville : One follows the other. They say perfectly frankly what they want. They have boycotted the Council ; they boycotted the Statutory Commission ; they have taken no part in working the Reforms ; and now they come in and make this claim ; but they do admit that they want independence and they want separation as soon as ever India becomes self-governing.

Chairman : Then that means they will want it now, does not it ?

U. Ba Pe : They will agree to separation if Dominion Status is obtained.

Mr. de Glanville : I should like to have an opportunity of expressing our view on the question of this Round Table Conference as against a Commission. Those views I think are important. The Committee will probably remember what happened when the Statutory Commission was sent out to India. It was a Commission of seven Members of Parliament which was to inquire and report to Parliament. That was immediately denounced by a number of people in India as an insult to India and a determination was expressed to boycott it. In order to meet this strong expression of Indian opinion it was decided to appoint a Central Committee to sit with the Simon Commission. A Central Committee was appointed ; and in the same way, to pacify feelings in the Provinces, each Province had its own Committee that sat with the Simon Commission. Now it is suggested to repeat that in the case of Burma and we fear that that will cause a great deal of feeling ; the cry that it is an insult to India will be repeated in Burma in the form that it is an insult to Burma unless the Committee that is sent out is one composed jointly of Members of Parliament and Burmese representatives. If that is not done we feel—personally I feel absolutely certain—that the extremist party in Burma will boycott this new Commission and we shall be in the state that India is at the present moment. We consider that at all costs we should try to avoid that. We are none of us in favour of a Commission coming to Burma at all ; it would have a very unsettling influence on the Province and on the people. The atmosphere for discussing these things is not good in the country itself. We think that by far the best way of doing things is to have a Round Table Conference here, and to invite to that Conference the author of this document and all the leaders of the present Independence Movement. My information, Sir, is that if it is put in that form they will all come. I went into this before leaving Burma with some of the representatives and I was informed by one man who is in very close touch with them that if there is a Round Table Conference here they will attend. It is an opportunity which I think should not be lost sight of. We know that the Viceroy tried to get the Indian Congress to come here and failed, possibly because it was too late. In the case of Burma it is not too late.

Chairman : You would have them invited by the Government ?

Mr. de Glanville : I would have them invited by His Majesty's Government. I would not care how strong they were or how rebellious or seditious they will be ; I would invite them. If they refused to come in then, of course, we should have to frame the Constitution ourselves, but I think the opportunity ought to be given to them ; I think it is for the peace of Burma that it should be given. I am very nervous as to what may happen if a Commission is sent out which is not a joint Commission ; I fear there may be very grave political trouble. I think the interests of the Province are best served by the course we have suggested. We have suggested this after very careful consideration. I first thought it would be best to have merely a Parliamentary Commission but I am now perfectly certain that if a merely Parliamentary Commission, or one run on the lines of the Simon Commission, comes out, it will be boycotted by the extremists in Burma. I want them to come in ; I want them to come here if possible to express their views. If they do not agree we cannot help it.

Chairman : How many will that mean ?

Mr. de Glanville : I calculate that about 15 would be sufficient to represent all parties.

Chairman : That is quite a modest number.

Mr. de Glanville : Fifteen to come here from Burma. You have not an equal number of British representatives at this Conference but I think fifteen, or at the outside twenty, from Burma would cover every minority and business interest.

Mr. Foot : The Government of Burma regarded fifteen as being the smallest number to represent the various interests and they looked upon that number as being unwieldy for the purpose of forming a constitution.

Mr. de Glanville : They were then visualising something of the nature of the Simon Commission with fifteen Members of Parliament going out to Burma.

Mr. Foot : I think it was seven. Do you think a Constitution could be framed by a Round Table Conference ?

Mr de Glanville : I suggest that after the Round Table Conference has met and has come to agreed decisions if it can, or on those points on which it does not agree, the views of everybody have been taken and recorded, then His Majesty's Government should proceed to frame the new Government of Burma Act. I do not contemplate that the Conference itself should frame the Act, but I think it should be able to agree on the essential principles and then hand it over to the law officers of Government to frame the Act on those lines.

Chairman : Framing an Act is always a very technical matter, but you could lay down general principles.

Mr. Foot : The view which Mr. de Glanville now expresses is, I think, inconsistent with the views of the Burma Legislative Council, is it not ?

Mr. de Glanville : It is inconsistent with the views of the Government of India, and it is to some extent inconsistent with the views of the Legislative Council, because the Legislative Council have not considered this point. This point was only taken up afterwards ; but since then we have had repeated telegrams from Burma approving of the course that I now suggest. The Legislative Council passed a unanimous resolution that the Commission was to be a joint one. The Local Government is opposed to that, and I believe British opinion will be opposed to it.

Chairman : It will mean more delay—a Parliamentary Commission.

Mr. de Glanville : A Parliamentary Commission, according to the Government of Burma, was to come out as the Simon Commission did ; then the Delegates should come here and hold a Round Table Conference. We skip this Commission.

Chairman : Of course, the problems are very much simpler.

Mr. de Glanville : They are much simpler. We can discuss them in a friendly way here ; if we cannot come to a decision the final arbiters are the British Parliament.

Chairman : May I hear what the Burmese representatives say ?

U. Ba Pe : I quite agree to convening a Conference here instead of sending out a Commission. The announcement made by the British Government should also mention this decision. I do not know whether the terms of reference could be laid down for the Conference. The important point is to let the people of Burma know definitely that it will be a free Conference in which they can express their opinion freely ; that is important because there is an impression in Burma as regards the Round Table Conference that we shall not be allowed to talk beyond a certain limit, and that we shall be gagged here. That impression exists in Burma, and it must be removed.

Chairman : I should have thought they ought to know better by now. Do they think the new Conference will be as much gagged as this Conference ?

U. Ba Pe : There is no harm in making known in advance the actual work we are doing here. You can never know what these mischief makers will go about and say in the country. Conditions in Burma

and India are quite different from conditions here. The people of Burma are homogeneous and compact and any news can be broadcast all over the country in a few days; a lot of mischief can be done easily. It is important to take precautions in advance. I want to emphasise the necessity of announcing the Conference along with the announcement of the acceptance of separation in principle.

Mr. Mody : Might I suggest that, having heard the views of these gentlemen, you put a draft before us to-morrow.

Mr. Ohn Ghine : In regard to the Resolution passed by the Burma Council as to the Commission I put forward an amendment to the effect that in place of a Commission there should be a Round Table Conference for Burma here simultaneously with the Indian Round Table Conference. That amendment was agreed to by all parties in the Council, or most of them. I was not able to move that because the Member in charge of the Department concerned refused permission for the amendment as the notice had not been given in sufficient time. Had it been moved I think it would have been carried. So that even then the general consensus of opinion was in favour of a Round Table Conference here rather than a Commission.

U. Aung Thin : I endorse the view expressed by Mr. Ba Pe.

Mr. Mody : May we hear Sir Charles Innes views ?

Chairman : Yes. Will you give us your views, Sir Charles ?

Sir Charles Innes : If you will excuse me, this is a matter which is now being considered by His Majesty's Government and any views which I may express I think should be expressed to His Majesty's Government.

Chairman : Yes. I understand your views are on record.

Sir Charles Innes : Yes.

Mr. Foot : I suggest, Sir, that we should meet again and if this matter of the machinery of enquiry could be deferred, in the light of what has been said, we are more likely to be able to arrive at a right decision.

Chairman : I certainly do not suggest we should come to any conclusion to-night. I wanted to know what was said and I should be glad to know if any other member of the Committee has any views to express against what is being said.

Mr. Mody : Are we deciding now that we should recommend to the Government that they should make an announcement on the question of separation ?

Chairman : No. We are giving representatives an opportunity of expressing their views as to the best machinery for framing the new Constitution; that is really what we are talking about. I am not suggesting we are deciding anything. You have heard what the Burmese representatives have said. I will think over what they have said and I will consider by to-morrow what we can do about it and whether it would be proper that we should make any recommendation on the subject.

Mr. Foot : And you will take into consideration my Lord, will you, the possibility of whoever may be the British representatives on that Committee being able to arrive at a reasonable conclusion without local enquiry, because there are the backward districts and other areas which have to be taken into consideration. In dealing with twelve millions of people of course a multitude of problems arise and I should think the Governor, the Government of India and indeed the Legislative Council contemplated that there would be the necessity of enquiry on the spot before the political destiny of this people was decided for a long time to come.

Chairman : But the backward areas would have to continue to be administered by the Governor.

Mr. Foot : Yes, of course that would be a part of the Constitution.

Mr. de Glanville : You must remember that the Simon Commission has already recorded a mass of evidence and no Commission which went out would get more evidence.

Mr. Foot : The Simon Commission expressly said they were not going into the framing of the Constitution.

Mr. de Glanville : But they have the evidence.

Mr. Foot : Yes, in Volumes 15 and 16.

Mr. Shiva Rao : Before we settle the machinery should not those who are against separation be given an adequate opportunity for expressing their opinion ?

Chairman : I am sorry, but it is too late for that.

Mr. Shiva Rao : After all it is a well-known constitutional principle that the majority of the inhabitants of a Province have the right to decide whether they want to be separated and what particular Constitution they want.

Chairman : Does anybody suggest that the majority of the people of Burma are against separation?

Mr. Shiva Rao : I do not know. I am not in Burma.

Mr. de Glanville : The point has to be decided by the representatives of Burma.

Mr. Foot : There was no postcard poll taken of the people of Ireland. The decision was made by their representatives.

Lord Peel : What estimate have you in mind as to the section of opinion that is against separation ?

Mr. Shiva Rao : I have no estimate.

Lord Peel : It was only that you thought there might be.

Mr. Shiva Rao : There is, according to this document. The Government must accept the proposal to make it a mixed Commission. Even Governments live and learn.

Chairman : I think we have had a useful discussion, and I will read over what has been said and see if I can bring up any suggestions to-morrow. I am not sure whether we can take any steps about this or not.

Mr. Shiva Rao : I should like to suggest that if separation is effected a recommendation should be made that Burma's admission to the League of Nations should be secured at the earliest possible moment. It is not a question of sentiment. I am thinking from the point of view of industrial legislation, and I think it is essential that Burma should continue to be a Member of the League of Nations as she is now through her connection with India. I think the right of Burma to representation at all Imperial and International Conferences should also be recognised.

Mr. Mody : It is of importance to India. It is not from the point of view of Burma that we are thinking of this.

(The sub-Committee adjourned at 4.35 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. IV (BURMA) HELD ON 9TH DECEMBER, 1930.

Chairman : I do not know whether all the members of the Committee have got before them a draft Report which I have had prepared. I think, myself, subject to anything that is said, that we might be able to finish our labours to-day and agree to this. It really covers everything that we have discussed. At the same time I am very anxious that no one should say afterwards that the matter has been rushed in any way, and therefore I will give the fullest opportunity for any discussion that may be desired, and I will put myself entirely in the hands of the Committee. If you feel that this represents what we have discussed, and the conclusions that we have so far come to, I should like, if you do not mind, just to go through it paragraph by paragraph and see whether we can adopt this as our Report. I made it out in that form in order to save time. The first page had to do with purely formal matters, as you see. It says who was appointed and when we sat and so on.

Then we come to conclusions, and the first conclusion is on the principle of separation. Does anyone wish to raise any further point on that ? We did discuss the form of words before, and I think it covers everything.

Mr. Shiva Rao : It seems to me that it is rather rushing things through to ask H.M. Government to make a public announcement that the principle of separation is accepted without saying anything at all positive about the prospects of constitutional advancement held out to Burma, because even the Committee which was appointed by the Burma Legislative Council to co-operate with the Simon Commission had an amendment, I think, that a Committee of seven non-official members should confer jointly with the Indian Statutory Commission, and the words added were "for the purpose of determining the immediate steps necessary for the attainment of full responsible government." Also, I see from the Report that this amended resolution was carried by a majority and I also note that Mr. M. M. Rafi, who I presume is a Muslim from his name—

Mr. O. de Glanville : Yes, he is.

Mr. Shiva Rao : Yes. Mr. Rafi, one of the members of the Committee adds this to the Report:—"But if separation is demanded on the principle of self determination he will support it provided Dominion Status is granted." I also notice that in the Despatch of the Burmese Government to the Government of India on the Simon Report, at page 238 of the Despatches from Provincial Governments, the Government says quite frankly: "It is quite true that Burman politicians of extreme political views who have refused to work the present constitution still believe that Burma would get full responsible government earlier if she remained part of British India, but they wish merely to postpone the day of separation." I think that the only difference between those who are against separation and those who are in favour of separation is as to the time of separation. Those who are against separation want to make sure first of all that they will get full responsible government once they are separated from India ; and in the note of dissent which one of the Burmese members appended to the Report of the Burma Provincial Committee which worked in co-operation with the Simon Commission, this is what Mr. Rafi, the Muslim gentleman to whom I referred, said : "I believe that Burma is fit for self-rule. We do not know, however, whether the British Parliament will forthwith acknowledge our fitness by an immediate grant of Home Rule. If they do not, it will in my opinion be unwise and futile to press for separation. . . . It will leave Burma weak and isolated, divorced from a connection which, whatever its detractors might say, has admittedly helped her in the past to rise from her political slumber and fight her political battles and to which the present Reforms in Burma are largely due."

It seems to me that it is unwise to ask the Government to make any announcement of separation until Burma knows exactly where she stands politically. I also note that the Burman Government, in the Despatch to the Government of India, on page 244, say that they "have not yet formulated their views. They are engaged on that task now, and are preparing a memorandum for presentation to the Commission" ; the reference being to the Commission proposed, that should visit Burma at the end of January, 1931. That is after the deliberations of the Round Table Conference are over, and while the Burman Government acknowledge that the pledge given in August, 1917, applies to Burma as much as to India, there is no clear enunciation of the policy to be pursued in the immediate future.

Therefore I submit that it would be much wiser to postpone any suggestion to His Majesty's Government with regard to an announcement on the principle of separation until the deliberations of the Round Table Conference have reached at any rate the concluding stages, so that we know exactly where India stands at the end of the Conference. When I speak of India I include Burma, as she is at present part of the Indian Empire, but that at the present stage it would be unwise to commit ourselves to this principle.

Chairman : You are not representing Burma are you ?

Mr. Shiva Rao : No, I am not representing Burma.

Chairman : I just wanted to know, with regard to this argument which you have been using, whom you were representing, because you were arguing, as I understood you, in the interests of Burma, and that Burma might be prejudiced by this.

Mr. Shiva Rao : Yes ; that is my case, and I claim that there is a very large body of Burmese opinion which is identical with the view that I have put before you.

Chairman : Not represented here by the Delegates.

Mr. Shiva Rao : That is for the Delegates to say.

U. Aung Thin : I deny the fact that there is any feeling against separation. Apparently there is a small section who wanted to postpone separation, with the belief that they might move along with India according to the Report. But the present situation has been worked by the political bodies who are represented here, and those bodies alone count in the country. I submit that the placing of the Constitution first and separation next is putting the cart before the horse. We want a separated Burma first, and a separated Constitution next, and unless we can get separation it would be very hard indeed to think of a separate Constitution. That will come in at the proper place, and we need not be over anxious as to that part of it. What we want now is separation and that all the considerations which were applicable to India should also apply to Burma. Along that line, I think we can go on satisfactorily.

Mr. Foot : Is not the point which has been raised by Mr. Shiva Rao this ? As I understand it the point is that we have no assurance that anything will be done on the main question in relation to India, and that until that is ascertained it will be difficult for us to move in relation to Burma. But, from what I have read of the papers, the anxiety of Burma is that the new Constitution for Burma which may be necessary shall synchronise with the new Constitution for India. It is upon that that the Government of India in their Despatch, when they were speaking of the early declaration of policy, said : "The point with which we are concerned is to invite attention to the emphasis which the Government of Burma lay upon the need for expedition in order that a new Constitution for Burma may come into being at the

same time as a new Constitution for British India". That is the concern, that there should not be a hiatus. The Constitution for Burma may in the circumstances be different from the constitution which may be established for India. That is a matter for discussion later. Would not your point be met, Mr. Shiva Rao, if there could be some assurance that the two things should synchronise? If, for instance, nothing is done as a result of the Round Table Conference for India, it is quite obvious that everything else falls to the ground. I should think so, at any rate.

Lord Peel: Not necessarily.

Mr. Foot: You mean that there might be separation itself. Very well; if there is to be a new Constitution for India, then importance is attached to the point that the new Constitution for Burma should be established at the same time.

Chairman: That is vital. I should like to call the attention of Mr. Shiva Rao to what it says on the page to which he first referred, page 238, that in August of this year the Burma Legislative Council passed without a division a motion "thanking 'the members of the Statutory Commission for having in accordance with the wishes of the people of Burma recommended the immediate separation of Burma from India.'"

Mr. Shiva Rao: But that is followed by something else.

Chairman: Wait a moment. In the next line it goes on: "And requesting 'His Majesty's Government to make an early declaration of the acceptance of their recommendation.'" That seems to be the view that was taken by the Legislative Council of Burma then, and if you remember the memorandum from the dissentients in Burma, they said that they did not want to remain under India if India had a new self-government. They said that quite definitely. I do not quite see how the separation can be affected one way or another. The Constitution which will be given to Burma will no doubt emerge. All that we say in this resolution is that it will certainly not be prejudiced by the separation, and I do not see how it can be suggested that they would get a greater measure of self-government if they were under India than if they were alone.

Mr. Shiva Rao: I do not suggest that it should remain part of India at all, but I suggest that if as a result of this Conference India gets full responsible Government, then that promise should automatically apply to Burma as well, as part of India to-day; but if we adopt this resolution now, in advance of any decisions which may be reached by the Round Table Conference, it will naturally be said that the decisions of the Round Table Conference apply only to British India, and that the constitutional position of Burma should be considered separately without in any way being prejudiced by the decisions of this Conference.

Chairman: Does not that exactly arise from the fact that you are not speaking for Burma or on behalf of Burma? Would Burma regard it as self-government to be a Province of India?

Mr. Shiva Rao: I do not suggest that Burma should be a Province within self-governing India. All I say is that it appears to me that there is a considerable body of opinion in Burma which is in favour of separation from India if at the same time it means separation from England in the sense that she will be a Dominion.

Lord Peel: I only ask this for information: Where is that body, and which is the body of which you are speaking? It is not represented on the Council in Burma at all; it is not represented by these gentlemen who come from Burma. Who are they, these people to whom you refer? Are they some Indians in Burma?

Mr. Shiva Rao: I am not speaking of Indians at all.

Lord Peel: But who are they?

Mr. Shiva Rao: I think I read out the terms of the amended resolution which was adopted by the Burma Legislative Council on the 13th December, 1928, in appointing this Provincial Committee that co-operated with the Simon Commission, that its object should be to determine the immediate steps necessary for the attainment of full responsible government; and in the notice of dissent which was appended by two members it is made quite clear that they would have no objection to separation if that separation also gave Dominion Status to Burma; one of those gentlemen was a Muslim and one a Burman.

Mr. O. de Glanville: Mr. Shiva Rao, I think, suggests that the whole Burmese question should be shelved until the Round Table Conference has made up its mind as to India. That, I think, is the proposal. You are certainly not representing Burmese opinion in making that claim. We have it emphasised by the Local Government and by the Government of India that in order to allay public opinion in Burma there should be a very speedy declaration of separation, and that Burma is not going to suffer constitutionally by separation. Burmese opinion is anxiously waiting for that, and we are anxiously waiting for it.

Mr. H. P. Mody: Would not the question of synchronisation which is mentioned by Mr. Isaac Foot arise in this way? After all you are asking the Round Table Conference to commit itself to a declaration of separation by His Majesty's Government. If the Round Table Conference does not arrive at an agreed solution, and if the Indians at the Round Table Conference regard the solution arrived at as unacceptable, how can you possibly ask them to accept one portion dealing with Burma leaving them to discard everything else. That is how, in my opinion, the question of synchronisation will arise. If the Round Table Conference refuses to accept certain solutions, it must reject them *en bloc*. It cannot be asked to accept one or the other thing and refuse the rest. That is my view of it. I have not been able to follow the discussion, because I am sorry I was again late, but that it how I would view it. Another object that would be served by a little delay would be this. It has become evident in the last few days that there is a body of Burmese opinion in Burma that does not view this idea of separation with favour. I do not for a single moment question the rights of my friends to represent Burma. Just as we do not claim that we represent the whole of India, I do not think my friends can claim that they represent the whole of Burma, and it is conceivable that there are interests in Burma who are opposed to separation, and to whom you might give a little time for considering the matter and making such representations as they would like to make. Certain representations have been circulated to everybody, and it is possible more may be circulated. I myself have reason to think that a certain amount of agitation has been caused by the fact that the Committee of the Plenary Conference adopted the question of separation as a principle, not to be challenged at least by this sub-Committee, and it is conceivable that in the next few days you may hear something more about it. I would, therefore, suggest that an explicit announcement should not be recommended by our Committee.

Chairman: All these arguments you have been using just now are arguments against the principle of separation. That I must rule we cannot consider at this Committee. So far as this Committee is concerned the principle of separation has been accepted. If it is not to be endorsed that is a matter for the Plenary Conference and not for us. If objections are to be taken to separation, on whatever ground they may be, they must be taken in the Plenary Conference, they cannot be taken here. So far as we are concerned at this Committee the principle has been accepted. What has been referred to us is to make recommendations as to the method.

U. Ba Pe: Though Mr. Shiva Rao does not represent Burmese opinion, yet I think the point raised by him is in accordance with Burmese opinion to a certain extent. In the Council of Burma three

resolutions were moved last August and passed unanimously. One refers to the acceptance of the recommendation of separation by the Simon Commission, the second refers to the appointment of a Commission to draw up the Burmese Constitution' and the third refers to the grant of Dominion Status after separation. The three resolutions have to be read together. So that in substance it means that once Burma is separated from India it will have the status of a Dominion. That is the clear position in Burma. No doubt there is a section of Burmese opinion opposed to immediate separation, and therefore they have sent in their memorandum to this Conference, but the reason they oppose it is because they are afraid Burma may not get Dominion Status after separation. That is the only fear they have, but they are for separation all the same. As regards synchronisation of Burma's new Constitution with India's new Constitution, unless Burma's Constitution is either equal to or on the same plane as the Constitution India gets, it is no use having the same time because Burma will not be at all satisfied. My solution would be to recommend that His Majesty's Government should announce the acceptance of separation and the status that Burma will occupy after separation.

Mr. Foot : Would the point be met if some attention were drawn in our Report to approval of the Government of India's recommendation ? The Government of India, speaking of the early declaration of policy, say :—

> " The point with which we are concerned is to invite attention to the emphasis which the Government of Burma lay upon the need for expedition, in order that a new constitution for Burma may come into being at the same time as the new constitution for British India. In view of the large issues involved, we have some doubt whether this will in fact be possible ; but, assuming that the general case for separation is established, we agree both with the Commission and with the local Government that an early declaration of policy is desirable to enable enquiries to be set on foot without avoidable delay, in order to effect the separation as nearly as may be simultaneously with the introduction of the new constitution in India."

Would it be possible for this Committee, in a new paragraph, or in an addition to the first paragraph, to express the opinion that we approve the recommendation of the Government of India that as far as may be the new Constitution for Burma should come in at the same time as the new Constitution for India. Would that go some way to meet the case ?

U. Ba Pe : No, not unless you mentioned status at the same time.

Chairman : What the status of Burma will be you will settle at the Conference when you settle the Constitution. When you settle the Constitution you will say what status you choose to call it. Dominion status is a word that may mean anything. I do not know what it means. It is not suggested you will have the same constitution as Australia, for example, after separation.

U. Ba Pe : But there is one thing. Burma will not get a Constitution inferior to what India is going to get.

Chairman : Well, is not that almost what we do say ? What we say is—" the prospects of Constitutional advance held out to Burma as part of British India will not be prejudiced by separation."

Lord Peel : Is it not compatible with the other interpretation that it may get what Constitution it prefers, which may be rather wider than that of India ?

Sir Hubert Carr : I think its prospects are the same.

Chairman : They clearly will not be worse, I think.

U. Aung Thin : It may get something more.

U. Ba Pe : I am for something definite.

Chairman : But the definiteness must come after you have settled the Constitution.

U. Ba Pe : I only want something definite, which will mean more than nothing at all.

Chairman : This is an announcement you are asking the Prime Minister to make to the public. I think it would be wise to accept words that would be likely to be put forward and used. If you have this said in public, announced officially, surely you have what you want, have you not ?

Mr. O. de Glanville : How would it be if paragraph 1 were altered to read thus :—" The prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation." That would make it perfectly clear, would it not ? The ultimate goal is responsible government.

U. Ba Pe : What is there to prevent our saying that Burma shall get no less than India is going to get ?

Sir Hubert Carr : Can you say that before you have examined the position ?

U. Ba Pe : Burma will get what India gets.

Sir Hubert Carr : Every part of India is not capable of taking what the whole of India receives. There are backward areas in India. I do not suggest that Burma is a backward area, but on the face of it it does not mean that Burma can carry the same status as India until the position is examined.

U. Ba Pe : Burma is a major Province with some subjects transferred. They would have an advance comparable with that of any other province. So that it follows that under the new Constitution Burma will not be worse off than the present position at least. She will get something more along with the others.

Chairman : Suppose we were to accept that suggestion which was made just now, and put in these words, which show what you are aiming at, and what you are going to get, so that the second half of it should read, " and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation." That shows, I think, the line you are moving on, does it not ?

U. Ba Pe : It is not very much.

Chairman : I took the opportunity of consulting Sir Charles Innes, and he does not think that these words will cause great unrest in Burma.

U. Ba Pe : Well, I beg to differ from Sir Charles Innes. I am familiar with both sections of public opinion in Burma, and I can assure you that the effect will be very bad unless something definite is put in.

Mr. Mody : Why not say " Burma's claim to responsible government," or " Burma's right to responsible government will not be prejudiced by separation " ? That is something definite. You might say Burma's claim, if such a claim has been put forward by responsible opinion in Burma, or Burma's right, if the other claim has not been definitely made. That would be quite precise.

Mr de Glanville : To say " the claim to responsible government " is not quite as stated. Every party in Burma considers that the goal is responsible government, but we are not all agreed that it should be immediate dominion status to follow separation.

Mr. Mody : Well, say " responsible government." That is why I advisedly put the words " responsible government."

Lord Peel : I should have thought that the present words covered everything myself.

Chairman : I do not want to force my view on the Committee in any way, but I think the Committee would be wise to accept this, with the addition, if

you like, of the words " towards responsible government." If you get that announcement made officially by the British Government I should have thought it would be enough.

Mr. Shiva Rao : It is your language, so you can interpret it better than I do, but it seems to me that it rather weakens than strengthens the language of the first draft.

Chairman : I will take out " towards responsible government " if the Committee like.

Mr. de Glanville : I do not mind at all.

Chairman : I think it is sufficiently strong. I think it means that you would be as well off as if you were a part of India. We do not know what the Government of India is going to be yet; we do not know what the Government of Burma is going to be yet.

Sir Hubert Carr : You agree, do you not, Mr. Ba Pe, that the details cannot be worked out in the present Conference now—the Round Table Conference ?

U. Ba Pe : I want to know the principles of the constitution.

Chairman : Well, I do not want, of course, to hurry the Committee over this, because of course it is rather important; but can we come to a conclusion on it ? Would you like those words put in—" advance towards responsible government " ?

U. Ba Pe : Mr. Mody made a suggestion.

Mr. Mody : My suggestion was, " Burma's claim to responsible self-government will not be prejudiced by separation," or " Burma's right to responsible self-government will not be prejudiced by separation " —one or the other.

Mr. de Glanville : That is the same thing. I do not want the word " immediate," because opinion is not unanimous on it.

U. Ba Pe : The immediate grant of responsible government is opposed by the Europeans only.

Mr. de Glanville : No, no, you are quite wrong.

U. Ba Pe : Mr. de Glanville belongs to the Independent party. He is for full dominion status.

Chairman : But be that how it may, you do not know what India is going to get, and you certainly will not get the British Government at this stage to make an announcement in that form. If you want it made in that form you will have to wait, as was suggested, till the very end of the Conference. You must take your choice. If you want the declaration made now it will have to be in that form.

U. Ba Pe : I am not pressing for immediate dominion status. I want a declaration of the British Government about Burma's constitution.

Chairman : Here is an announcement which I understand probably the Government would be prepared to make as soon as the Plenary Conference had agreed to it, and I understood that you were anxious to have a definite announcement made at an early stage.

U. Ba Pe : Quite so.

Chairman : If you want the announcement to be more definite than that, you would have to wait till the end of the Conference, until we knew what India was getting, would you not ?

U. Ba Pe : What harm would there be if we simply said that Burma will get at least the same constitutional advance as is given to India—that whatever is given to India, she will get that, if not more.

Lord Peel : I think that would make great complications, because then you have to compare it exactly with what India does get.

Chairman : Besides, it would be absolutely impossible. India, apparently, is going to have a federal system. You are not going to have that in Burma.

Mr. Shiva Rao : The structure may be different, and yet the concession of political power may be the same, the degree of responsibility may be the same. Those are two different things.

Chairman : The concession of political power may be very different. Questions of defence and questions of finance are quite different in Burma from what they are in India.

U. Ba Pe : Of course, that will differ according to the circumstances of the country, but the main principles will be the same. The advance towards responsibility will be as much as the conditions of the country permit.

Chairman : I can only advise the Committee that they should accept this form of words. If they would prefer to wait, I dare say some other form of words could be devised later.

Mr. de Glanville : On behalf of my portion, we say it is dangerous to wait. We want a declaration as early as possible. We agree with the Government of Burma and the Government of India on the necessity for a very early declaration. They are all in agreement—the Statutory Commission, the Legislative Council and the Government of India.

Chairman : You see, what I was anxious to do to-day, if the Committee would agree, was to define as far as we can define it, the position of Burma. We could make the separation clear, and have an announcement as to that, have an announcement as to the lines on which the constitution would be framed, so far as this resolution covered it, and on these other points which we have considered, so that the Burmese Delegates could then go home and know that the thing would go on in the ordinary course until we had our Conference, or whatever other method we adopted for the constitution; and I thought that that would probably be convenient. But, as I say, I am in the hands of the Committee on it.

U. Ba Pe : You see, as the formal resolution proposed here stands, it looks like a leap in the dark. That is all I am thinking about.

Why not put in the words suggested by Mr. Mody ? That would be more satisfactory to the people of Burma.

Chairman : Would the Committee like to hear what Sir Charles Innes says about this ?

Mr. Mody : Certainly, we have no objection. We would be only too glad.

Chairman : Would you say a few words, Sir Charles?

Sir Charles Innes : I think U Ba Pe knows that the Government of Burma have done their best for what they think to be Burman opinion in this matter, and if U Ba Pe will permit me, while I have no desire whatever to enter into any controversy, I really must put what I know the position is in Burma at the present moment. In the first place, as you, Sir, pointed out, the principle of separation is not open to this Committee, and, as I said, this Committee cannot enter into any details of the new constitution of Burma, or cannot say in what way or to what length that new constitution will go, and for this reason : that His Majesty's Government are not yet seized of the problem of Burma. They have not even had the views of the local Government, they have not had any views from the Simon Commission, they have not had any views from the Government of India; that is to say, the present position of His Majesty's Government is that they have got a perfectly open mind—in fact, a perfectly blank mind—as regards the new constitution of Burma. Now, U Ba Pe, if I may say so, is trying to telescope into one, two things which ought to be kept distinct. What I suggest that this Committee can definitely do is to suggest that separation will not prejudice in any way the goal of constitutional advance which has been held out to Burma. That, I think, is as far as the Committee can go. I do not think that

they could say at this stage that His Majesty's Government could give Dominion status, with reservations, at once, or even must give a constitution the same as that which may be given to India, not because His Majesty's Government will not do that—indeed, the Government of Burma has specifically said in their report to the Government of India that they hoped that whatever Commission of Enquiry may be appointed may find it possible to propose for Burma a system of government comparable with that proposed for India. But at this stage I do not think His Majesty's Government can be expected to go further than to say that separation will not prejudice the prospects of constitutional advance held out to Burma as part of British India, and when they have said that, it seems to me that the Burma position is amply safeguarded; separation will not mean any derogation from the hope held out, and the new constitution will remain open for discussion, and Burma will be perfectly free. U Ba Pe will be able to bring forward his point, the Government of Burma will have their say and the British Government will make up their minds. It seems to me that what you want to do at present is merely to suggest that the goal held out is not in any way prejudiced by separation. That seems to me to be the essential thing, and all the other things as regards the exact form of constitution, or how far that constitution will go, must be left for future consideration, if only for the reason that His Majesty's Government cannot speak on the subject because they are not seized of it in any way, and have not the material on which to form a conclusion. I do think you could fairly ask for a statement that the constitutional prospects are not in any way prejudiced by the fact that Burma is being separated from India. That is all I wish to say.

Chairman : Now, what does the Committee feel? Would they be prepared to accept this resolution in this form?

U. Ba Pe : I would rather like the other form as it is the same thing.

Chairman : No, I do not think it is the same thing. If you want this announcement made by the British Government soon, I think you will be wise—I will not put it higher than that—to adopt the resolution in this form. The British Government cannot commit itself at this moment, as Sir Charles Innes has explained, to any particular form of government.

U. Ba Pe : Mr. Mody's resolution was simply——.

Mr. Mody : May I say a word. The position of even those Burmans who strongly support this demand for separation is that they expect her to have responsible government at the earliest possible date. I do not think that matter was left in the least doubt, that they would want self-government if they had separation. If they could not have that, they would rather be with British India. I do not know whether I am interpreting their feeling correctly or not, but I feel that if these gentlemen were assured that they were going to enjoy a form of responsible government immediately, they would like to separate. Therefore this declaration must have as its basis a statement that Burma's right to responsible government will not be prejudiced by separation. If it does not mean that, then it is a declaration which my friends would be very ill-advised to accept or to ask for.

Chairman : That is exactly what it says as it now stands: "the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation."

Mr. Mody : Yes, but it is a very negative and, if I may say so with great respect, a weak way of putting it. They ask for something definite.

Mr. Foot : I understand that Mr. Mody's criticism is that this is a negative statement. Would you consider, my Lord, if it would not be possible to adopt words such as those suggested by the Governor himself in his Report. It may be nothing more than addition, but he goes on to say here—I will read the words :—"It is of great importance that it should be made clear beyond all possiblity of doubt or question that the separation of Burma will not involve any departure from the statement contained in the preamble to the Government of India Act, 1919, that the objective of British policy is the progressive realisation of responsible government in British India as an integral part of the Empire. As the Commission say, that statement constitutes a pledge given by the British nation to British India. When the pledge was first announced in August, 1917, Burma was a part of British India. The pledge therefore was given to Burma as well as to India, and even if Burma is separated from India, the pledge still stands for Burma unimpaired and in all its force."

I think it is covered by the words we have got, but they have rather a negative sound which may be discouraging to our Burmese representatives. Would it be possible to add there simply that the pledges given in the Government of India Act apply to Burma as well as to India and remain unimpaired in all their force. Would that give a positive touch to it that would satisfy our Burmese friends?

Mr. Mody : But the subjects have been implemented by various declarations.

Mr. Foot : I thought that would occur to Mr. Mody.

Mr. Shiva Rao : Besides, if Mr. Foot will forgive me for pointing it out, all the difference is, as Lord Reading put it in his speech at the opening session, it is a question of pace, because dominion status is the goal for Burma as much as for British India, according to the announcement of August, 1917. The only question is whether it is now or in a distant future.

Chairman : Well, as I say, I am in the hands of the Committee on this matter. I will press them to agree to this form of words, but if you prefer not, of course, we shall have to change them; but I do not think you will be wise, really, in the interests of Burma, I think you may take this pledge as meaning what it says.

Mr. Mody : But if His Majesty's Government are not prepared to say that Burma has a right to responsible government, would the Burmans want this separation at all? That is my point.

Mr. Foot : A request was made for this declaration to be made in the terms of reference to the new body deciding the constitution. That is what the Government ought to say. "The Government of Burma could not possibly agree to separation on any other terms, and they trust that His Majesty's Government will see fit to set at rest any doubts that may still exist on the subject by the wording of the terms of reference to the Commission." That Commission has yet to be set up, of course. That is the historical and symmetrical place for it to appear.

Chairman : Yes. I do not know whether you need be more anxious for Burma than Burma is for herself, Mr. Mody.

Mr. H. P. Mody : I am here as a member of the Committee, and I do not see why I should not feel for my Burmese brothers just as much as you would feel for them.

Mr. M. M. Ohn Ghine : May I enquire whether the second part of the first resolution as it stands does not imply that whatever measure of advance may be granted to India as a result of the Round Table Conference will also be given, as a minimum anyhow, to Burma? Does it not imply that.

Chairman : It may imply that. It seems to me that it means that you will not be prejudiced by the fact that you are separated.

Mr. M. M. Ohn Ghine : Yes.

Chairman : It does seem to me to imply that you will be treated at least as well as if you were still part of India.

Mr. M. M. Ohn Ghine : If that is clear, it is all right.

Chairman : Well, is there any amendment ? We had better come to grips with it now. Will the Committee be prepared to agree to it ? What we have in the draft is this: "The Committee ask His Majesty's Government to make a public announcement that the principle of Separation is accepted ; and that the prospects of Constitutional advance held out to Burma as part of British India will not be prejudiced by Separation." Is that agreed ?

Mr. H. P. Mody : I will move in the terms I have suggested, namely, that the right of Burma to responsible government will not be prejudiced by separation.

Chairman : Does anyone second that, or support it ?

U. Aung Thin : Yes.

Mr. Shiva Rao : Will Mr. Mody be good enough to read out what he is proposing.

Mr. H. P. Mody : "That the right of Burma to responsible government will not be prejudiced by separation."

Mr. Shiva Rao : That does not mean anything, does it ?

Mr. H. P. Mody : It makes it more definite.

Mr. M. M. Ohn Ghine : I support it, but I do not know that it makes much difference really because the claim of Burma for a full measure of self-government will have to be advanced when the Constitution is considered, so that I do not know that it makes any difference.

Mr. H. P. Mody : If you prefer other phraseology, I am content, by all means. It is a matter for you.

Sir Hubert Carr : The right has yet to be established.

Lord Peel : "Right" is a very grave word to use. Nobody knows what it means. Is it a legal right ? Is it a moral right ? Does it raise constitutional deductions or inferences ? I think that this is much better.

Mr. H. P. Mody : Put in the word "claim" if you like.

Lord Peel : I think that the word "claim" again is difficult.

Sir Hubert Carr : We do not know what a "claim" is.

Lord Peel : The prospects of constitutional advance will not be prejudiced by separation. That is what it says. It seems to me to be quite definite, and it has the advantage of not in any way prejudicing the subsequent conferences.

Chairman : I do not want to take a vote upon it, but I must take the sense of the Committee. Is it the general sense of the Committee that we should pass this resolution as it is, without amendment.

Mr. M. M. Ohn Ghine : Before you put it to the vote, there is one point I should like to mention. Yesterday I raised the question of machinery for dealing with the questions that I then mentioned.

Chairman : That is a separate point. May I take it that the Committee will report in this form, with the addition of these words "towards responsible government" ?

(*Agreed.*)

I will come back to your point about machinery, if you wish it, at the end.

Now may I take No. 2. ? I do not suppose that there is anything more that you want to say with regard to No. 2, is there ?

Mr. Shiva Rao : I was wondering whether, about the middle of No. 2, where it says "the fullest opportunity should be given to all minorities and to the Government of India," you could also add "the Central Legislature" ; or is it implied in it ?

Mr. O. de Glanville : I have lived in Burma, and I do not think that the representatives of Burma will want to go to Delhi, or that they will want to go as suppliants to the Legislative Assembly. They will prefer to deal with the Government of India, which will no doubt seek the advice of members of the Legislative Assembly.

Chairman : As a mere matter of procedure, when you are dealing with a different country, you can only deal with its government ; you cannot deal with the constituent parts which make up its government. I am afraid that that really would not be constitutionally correct.

Is there anything else that anyone desires to raise in connection with No. 2 ?

(*There was no response.*)

No. 3 is with reference to a financial settlement, and that goes down to the middle of page 3 of the document.

Mr. Foot : Upon that, where you get at the bottom of page 2 a reference to paragraph 93 of the Despatch of the Government of India, would it not be advisable to quote that paragraph 93. It appears probable that people who have the Report of this Committee may not have before them the Despatch of the Government of India, and it therefore appears to me that if you could have as a sort of addendum the paragraph that is referred to, it would make your Report self-contained.

Chairman : I think probably we could quote it in the appendix in small type.

Is there anything else to be said with regard to No. 3 ?

Lord Peel : I always believe in reasonable mutual accommodation. If you ask me if I agree with No. 3, I say that I always believe in accommodation. I thought that the thing was the spirit of reasonableness in mutual accommodation.

Chairman : I attach great importance to it myself, and I am quite sure that when they come to negotiating between the two countries, they will show it. May I pass from No. 3 with that accepted ?

(*Agreed.*)

No. 4 is with reference to defence. We have nothing that we can add to that, have we ? Is No. 4 agreed ?

(*Agreed.*)

No. 5 relates to the administration of Central subjects, and there are a few words written in at the end : "The Government of Burma should continue to make use of certain scientific Services" and there is added "of the Government of India." That is in order to show whose Services they are, because without those words it is not quite clear whose scientific Services they are that are to be made use of.

Mr. Shiva Rao : Should we limit it to scientific Services ? There may be other ways in which there can be co-operation between the two Governments. Is it necessary to limit the field only to scientific Services ?

Chairman : Well I do not know. What do you say about it, Sir Charles ?

Sir Charles Innes : If I may explain, there was a slight difference of opinion between Sir Bhupendra Nath Mitra and myself yesterday about the scientific Services. I put the suggestion in as the result of conversations with certain heads of departments at Simla. The point is that it would be impossible for Burma to have a really satisfactory Service say for

Geological Surveys or the Survey of India, or Meteorological Service, because the Services are so small that the scientists would have to work in isolation, and if you have a scientist working in isolation, in a very short time he ceases to be a scientist at all. We have in India certain extraordinarily fine Services. They have probably the highest reputation of any scientific services in the whole world, namely, the Geological Survey of India, and the Survey of India; and it seems to me, and I am sure Burmese opinion would agree, that it would be very much to our advantage if we could make use of the scientific Services, for the reason that we should find great practical difficulty in starting really good Services of that kind ourselves. I cannot think of any other Service for which the same reason would exist, although at the same time I can assure you that in the working out of the Service we shall certainly consider the point. The really outstanding thing about it is that it will pay us in Burma, if we can agree with the terms of the Government of India, to make use of the three Services—the Meteorological Department, the Geological Survey of India, and the Survey of India, and I also hope that we shall be able to make use of the Indian Lighthouse Service. I do not know whether Mr. Rao can mention any other Services. We should obviously have to make up our own Customs, and our own Post and Telegraph Department, and our Railway Services, our Civil Services, and our Police Services, and I cannot think fo any Services that we can share with the Government of India other than those Services and the Lighthouse Service.

Mr. Shiva Rao: I cannot think of any, but it seemed to me to be a pity to limit it.

Chairman: This is not an Act of Parliament, Mr. Rao; it is merely our suggestions as to things which may be done, and it does not in the least way shut out the Government of Burma or anyone else from taking other things into account in considering it. This is only an indication, and you are not bound by this in any way. I think we might leave it like that.

Sir Hubert Carr: It is all that we can recommend.

Chairman: Yes, but this recommendation does not prevent the two Governments agreeing about it.

Lord Peel: Nor does it prevent other Services from being added to it.

Chairman: May I take it that No. 5 is agreed to.

(*Agreed.*)

No. 6 is: "The Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries." Is that agreed?

(*Agreed.*)

Now, did you want to raise again this question that we were discussing yesterday about the machinery.

Mr. O. de Glanville: Yes. I understood yesterday that you allowed us to discuss that, and that you would give us a ruling to-day as to whether advice on that portion comes within the terms of reference. I am bound to point out that we have advised here upon the financial method of settling things; and if that is within our terms of reference, I should respectfully suggest that it is also within our province to recommend whether there should be a Commission or a Round Table Conference.

Chairman: I think possibly it may be strictly within your terms of reference. It is rather difficult to say. The last words are to recommend the best way of securing this end. That is the end of separation on equitable terms. Whether the machinery which sets up the new Constitution is part of the best way to secure this end I do not know. It may be said to be. The only thing is I do not think any recommendation from us would necessarily be very useful because it is a matter which the British Government, after consultation with the Government of India and the Government of Burma, must settle themselves. What Sir Charles Innes said just now about the other point is true, that the British Government have not at present got sufficient information to enable them to make up their minds definitely one way or another. I would prefer, if the Committee would agree, not to put anything into the Report about it, but I would write a minute to the Secretary of State reporting the substance of the conversations we had yesterday so that he was perfectly clear what the views of the Burmese delegates were on that point. I think probably that would be the best way to deal with it. The Secretary of State will then have everything before him on which to draw a perfectly clear impression. I think I am right in taking it that there was no division of opinion.

Mr. O. de Glanville: That is so, we were unanimous.

Chairman: I think, perhaps, it is not appropriate to go into the Report.

Mr. O. de Glanville: Then I will withdraw my suggestion.

Chairman: Is there any other matter on the Report that any delegate would wish to raise?

Mr. Foot: I certainly do not want to enter into any point that the Committee ought not to cover, but inasmuch as importance is attached to the question of synchronisation, may I make the suggestion that as far as possible, when the new Constitution is set up for India, the new Constitution for Burma should be as nearly as may be set up at the same time.

Chairman: Frankly, I do not think that is necessary, because it is fully in the mind of the Government. Everybody in India and Burma understands that it would be practically impossible unless the two new Governments could come into being at the same time. You would not have provided two equal bodies to negotiate or to do anything. I think that is in everybody's mind. Unless the facts make it impossible there will be synchronisation. I really do not think it is worth while discussing.

Lord Peel: It cannot be at once a province of India and something else at the same time.

Chairman: Exactly. You must have the two things as nearly as possibly simultaneous. That is one reason why our Burmese friends are anxious to get on with the drawing up of the Constitution.

Mr. de Glanville: That is one reason we asked for this Conference, to expedite matters.

Chairman: I see in the Report you make that is one of the reasons. Is there anything else any delegate would like to raise?

Mr. Shiva Rao: I raised the question yesterday of Burma's right to representation at the Imperial Conference and at the League of Nations, a right that has been enjoyed for ten years or more as part of India. I think it is only right that Burma should continue to exercise that right if separation is effective. I was wondering if this Committee would recommend to His Majesty's Government that those two principles be recognised at the same time.

Chairman: I do not think that is a matter for this Committee, and to a certain extent it is not a matter for His Majesty's Government. The League of Nations itself elects its members, and India does not attend the Imperial Conference, I understand, as a Dominion at present, but sends representatives by invitation.

Sir B. N. Mitra: So far as I know it has the right to representation on the League of Nations according to the Treaty of Versailles.

Chairman: Mr. Thomas, who ought to know much more about these things than I do, tells me that India attends the Imperial Conference by invitation.

Sir B. N. Mitra: But the Treaty of Versailles would not affect the Imperial Conference.

Chairman: I was speaking of the Imperial Conference.

Mr. Shiva Rao: I also mentioned the League of Nations.

Chairman : I was speaking both of the Imperial Conference and the League of Nations. The League of Nations elects its members. I do not think that is really a proper thing to be considered now when you are considering the Constitution but when you have framed the Constitution. That is the time to consider it. Burma will then make application in the ordinary way. I do not think it is a matter for this Committee at all.

Lord Peel : There is a proverb: "First things First."

Chairman : Is there anything else on this Report ? I do not want you to say afterwards that I have hurried you in any way.

U. Ba Pe : This Report will go to the Plenary Conference, will it, or will it go to the Conference in Committee ?

Lord Peel : It will go to the full Committee of the Plenary Conference.

Chairman : If you notice at the top of page 2 the effective words are these:—"The Committee sat, and after sitting it has authorised me to present this Report." I shall present this Report to the next sitting of the Committee of the whole Conference, or if there is a sitting of the Plenary Conference before then, probably direct to the Plenary Conference. I am not quite sure that technically we can do that. But I will see that it is presented at the first sitting of the full body which takes place, whichever it is.

Lord Peel : We must have a sitting first of all of the full Committee, must we not ?

Chairman : I should think we must, as we have been appointed by them. There is to be a sitting, I understand, next week, probably.

Mr. H. P. Mody : In presenting the Report on behalf of the whole Committee, what becomes of the position of those who have been under the necessity of dissenting from one or another of these recommendations ? Will you send this Report round for signature, or will you just present it as the Report of the Committee ?

Chairman : I was not proposing to send it round for signature. It is the Report of the Committee. Those who dissent from it and wish to carry their dissent further ought to express it when the Report is presented.

Mr. Mody : In any sense it cannot be regarded as the Report of every single member of the Committee.

Chairman : No. the general sense of the Committee. We settled quite definitely that this Conference was not going by voting. But I think I have correctly gathered the general sense of the Committee in this Report. I have tried to do so.

Sir B. N. Mitra : Could you not say that certain members dissented from certain recommendations of the Committee ? Was not that the procedure settled upon when the Committee appointed sub-Committees ?

Mr. O. de Glanville : May I ask if anybody has dissented ?

Sir B. N. Mitra : So far as I am concerned I have not dissented.

Mr. O. de Glanville : And I think Mr. Mody withdrew his dissent ?

Mr. Mody : I dissented.

Lord Peel : If Mr. Mody dissents he is entitled to say so.

Mr. O. de Glanville : He has not said so.

Mr. Mody : I have dissented from one or other of these recommendations as regards the propriety of making the announcement on the part of His Majesty's Government.

Chairman : What I proposed to say was that the Report was unanimous on some points and practically unanimous on others, and those who dissent will have the opportunity of presenting their dissent then. I do not think I can say more than that. You have the right to speak when the Report is received, but the Report must represent the majority of the Committee.

Lord Peel : I suppose any minority can record its dissent if it chooses.

Sir B. N. Mitra : I think that was indicated. I have not the proceedings, but perhaps Mr. Mody is entitled to ask in regard to the points on which he has dissented that that dissension should be indicated.

Chairman : If you would like to have your dissent recorded on the proceedings of this Committee, I think this would be a convenient opportunity for you to say, in the presence of the shorthand-writer, what are the points on which you would like to have your dissent recorded. We should then get it recorded on the proceedings of the Committee, so that there is no doubt about it.

Mr. Mody : I am prepared to do that, but I do not know whether the other members of the Committee are absolutely unanimous. There was a point raised by Mr. Rao.

Mr. Shiva Rao : My point is practically the same as yours. I raised the point before Mr. Mody came in.

Sir B. N. Mitra : If Mr. Mody will make his statement of dissension, Mr. Shiva Rao will subscribe to it.

Mr. Mody : I will write what I have to say, and send it on.

Mr. Shiva Rao : Could we submit a note by to-morrow morning. That would not delay the submission of your Report.

Chairman : You mean that you would like the note of dissent to appear on the Report itself ? If you send in a note of dissent it shall be added, but I do not think that is the procedure. This is not the Report of a Commission where we can have minority Reports. I know we very often have minority Reports in India ; I have read some that are longer than the original Reports.

Lord Peel : I sometimes have not been able to find the original Report because the minority Reports have been so long.

Chairman : If you send in a minute I will find out what the practice is, and if it is the practice I will have it put on the Report itself. But I do not think that is the practice. I thought you might perhaps like to say something here before the Committee adjourned. Do you wish to have anything recorded ?

Raja Sher Muhammad Khan : When the Report is presented they can say in what they dissent. They do not dissent from the principle, but on some question, and they can say it then.

Chairman : I think that is the proper course. If there is nothing else, may I take it that this Report is approved in this form ?

Mr. Mody : You have suggested, in answer to the suggestion of Sir B. N. Mitra, that you might state that the Report is not unanimous in all particulars.

Chairman : I will say that if you like. But I cannot make your speech for you.

U. Ba Pe : Conclusion No. 1 is the only one which is dissented from and that is on procedure and not on principle.

Chairman : May I put it again ? May I now present this as the Report of the Committee to the Plenary Conference ? Is that agreed ? If that is agreed, then I think that concludes the business of this Committee.

Earl Peel : It was understood that our views were to be provisional at the earlier stages, so that by the time we get to the Plenary Conference Mr. Mody may have changed his mind.

Chairman : That concludes our business, gentlemen. Thank you for attending.

Sub-Committee No. IV. (Burma.)

REPORT PRESENTED AT THIRD MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, ON 16TH JANUARY, 1931.

On December 1st the Committee of the whole Conference set up a sub-Committee with the following terms of reference :—

" To consider the nature of the conditions which would enable Burma to be separated from British India on equitable terms, and to recommend the best way of securing this end."

The following Delegates were selected to serve on this sub-Committee, over which I was appointed Chairman :—

Lord Peel.
Mr. Foot.
Mr. Aung Thin.
Mr. Ba Pe.
Mr. Ohn Ghine.
Mr. de Glanville.
Mr. Chintamani.
Mr. Srinivasan.
Captain Raja Sher Muhammad Khan.
Mr. Mody.
Mr. Ghuznavi.
Sir B. N. Mitra.
Sir Hubert Carr.

Mr. Shiva Rao was subsequently selected to take the place of Mr. Chintamani.

The sub-Committee met on the 5th, 8th and 9th December, 1930, and have authorised me to present this Report. The following conclusions were reached :—

(1) The sub-Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted ; and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation.

[Mr. Mody and Mr. Shiva Rao desire it to be recorded that they cannot endorse this recommendation without qualification.]

(2) The sub-Committee are of opinion that the legitimate interests of Indian and other minorities must be safeguarded. They are not in a position to advise as to the particular form of protection these interests require. They consider that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The sub-Committee consider that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be made for the regulation of the conditions of both the work and life of the immigrants. The sub-Committee also especially stress the importance of there being no discrimination as regards Indians entering Burma.

(3) There must be a financial settlement between India and Burma.

The questions are very difficult and technical, and the sub-Committee consider that they should be dealt with in the manner recommended by the Government of India in paragraph 93* of their Despatch (Cmd. 3700).

The sub-Committee also recommend that when the case has been thoroughly explored by the experts of the two Governments, the statements prepared by these experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively, and that representatives of these Committees should be associated with the experts in the proceedings of the Arbitral Board.

The sub-Committee also endorse the view expressed by the Government of India in paragraph 86 of their Despatch† regarding " the great desirability . . . . of adjusting the relations between the two countries in a spirit of reason and mutual accommodation so as to avoid as far as possible the ill effects which might arise from so great a change in long established practice." They venture to express the hope that all negotiations between the two Governments, whether in relation to the financial adjustment or to other matters, will be approached in this spirit.

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* EXTRACT FROM PARAGRAPH 93 OF THE DESPATCH OF THE GOVERNMENT OF INDIA (Cmd. 3700).

" It is clear that the separation of the finances of the country will raise extremely difficult issues, requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local Government that the best method of approaching this difficult problem is to endeavour, by mutual co-operation between the Government of India and the Government of Burma, to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature, and will include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional commission could deal satisfactorily with these questions, for its functions would be entirely different, as also its probable methods of enquiry. In arriving at a financial settlement the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of the arrangements very jealously, more particularly the allocation of debt burdens. We believe that a committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses, or possibly assessors, from India and from Burma."

† Cmd. 3700 of 1930.

(4) The sub-Committee recognise that adequate arrangements must be made for the defence of Burma after separation, but they consider that the precise nature of these arrangements must be decided in the light of expert military opinion.

(5) The sub-Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The sub-Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific Services of the Government of India.

(6) The sub-Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries.

(Signed) RUSSELL, *Chairman.*

St. James's Palace, London.

9th December, 1930.

SUB-COMMITTEE No. V.

(North West Frontier Province.)

The sub-Committee was constituted as follows :—

Mr. A. Henderson (*Chairman*).
The Earl Russell.
The Marquess of Reading.
The Marquess of Lothian.
The Marquess of Zetland.
Sir Samuel Hoare.
Maulana Muhammad Ali.
Sir Shah Nawaz Bhutto.
Captain Raja Sher Muhammad Khan.
Dr. B. S. Moonje.
Sir B. N. Mitra.
Raja Narendra Nath.
Mr. H. P. Mody.
Sir A. P. Patro.
Nawab Sir Abdul Qaiyum.
Sir Muhammad Shafi.
Sardar Sampuran Singh.
Dr. Shafa'at Ahmad Khan.
Mr. C. E. Wood.
Mr. Zafrullah Khan.

with the following terms of reference :—

" To determine what modifications, if any, are to be made in the general provincial constitution to meet the special circumstances of the North West Frontier Province."

SUMMARY OF PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. V (NORTH WEST FRONTIER PROVINCE) HELD ON 18TH DECEMBER, 1930.

The sub-Committee had a short discussion on the best procedure to be adopted and on the time of holding the next meeting.

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. V (NORTH WEST FRONTIER PROVINCE) HELD ON 29TH DECEMBER, 1930.

Chairman : If it would be agreeable to the sub-Committee, I propose to allow what we would call a Second Reading discussion this afternoon in order that we may have general guidance on the points of view of the respective speakers. Then at the close of to-day's discussion I shall ask the sub-Committee to decide what further procedure it will care to adopt.

As I promised at our last meeting, I have issued a paper* in which there is set out the important points which ought to receive the attention of the sub-Committee. I hope it will prove itself of some service to the respective members who desire to speak.

The meeting is entirely open. I understand that Sir Abdul Qaiyum wants to address a few remarks to us, and I shall be very pleased now to call upon him.

Sir A. P. Patro : Before Sir Abdul Qaiyum speaks, may I make a suggestion for the approval of the sub-Committee ? This is a very difficult and technical problem, and it requires one who has really had some experience of it to enlighten us and guide us. With the permission of the sub-Committee may I suggest that Sir Denys Bray, who has enquired into the matter previously and who has been in charge of it as Political Secretary in the Government of India, be permitted to make a statement so that we may know where we are with regard to the North-West Frontier Province. It is a very important question, and I am sure we should like experts like Sir Denys Bray to enlighten us by giving us their own experience and opinion. I know that Sir Denys Bray is not a member of the sub-Committee, but he is an advisor and I am sure, if the sub Committee approve of my suggestion, that it would be very helpful if he would give us his views of the matter. We all know that he is an enthusiast on the subject. I quite agree with Sir Abdul Qaiyum in his desire, but how best to bring that about both to the advantage of the people and of the administration is a matter of our responsibility, and if Sir Denys Bray could be permitted to give us his views it would be very helpful. For instance, I come from the South. I have read the reports on the subject and I have gathered some information from the Blue Books, but all that will not help me to be able to guide or help the sub-Committee. I am quite sure that Sir Denys Bray who has been in close touch with the problem will be able to help us better.

Lord Reading : Sir A. P. Patro's idea is a very good one, but I would suggest that it would be better if we heard Sir Denys Bray a little later on. I have had the advantage of Sir Denys Bray's advice and assistance during a very critical period of years, and I know its extreme value. There is no better official in India.

Sir A. P. Patro : I was diffident to ask for your views, Lord Reading, and I put forward Sir Denys Bray in the alternative.

Lord Reading : You are quite right in saying that Sir Denys Bray is an expert in this matter, and in addition he has had the experience of the years since I was there. I would myself very much like to hear his opinion a little later on, but I suggest we might get on with the discussion and, if you approve Mr. Chairman, at a later stage we might ask Sir Denys Bray for his view, and no doubt we shall want to put some questions to him.

Chairman : That would fall in with my suggestion—that at the close of our discussion to-day we might consider what our procedure would be. If it was the desire of the sub-Committee at that stage to hear Sir Denys Bray we would probably hear him first thing to-morrow. Is that agreed. (Agreed to.)

Sir Abdul Qaiyum : Sir, I am thankful to you and to the sub-Committee for having given me this opportunity of laying the North West Frontier Province case before you. I shall be very brief; I have not very much to say on this subject. It may look to be a very difficult, delicate, and most important matter to some of my colleagues from the South,

* Appendix V (page 215)

but if they had only taken the trouble of going through the literature which has been issued on this subject—especially Sir Denys Bray's Report to which my friend Sir A. P. Patro referred, they would not have found it necessary to cross-examine Sir Denys Bray orally. His views are solidly put down in a Report which is before us, and I am confining myself entirely to that Report this afternoon. I could not put my case more lucidly before the sub-Committee than by simply handing in this book to anybody who has any doubts on any points.

The case, as I have said, is not a difficult one to understand. It is a very simple one as anybody will see who cares to study it. As a matter of fact the introductory memoranda which you have so kindly supplied to us for our deliberation give all the points which have ever been raised in connection with this problem.

Whether it is Imperial policy, or Frontier defence, or special circumstances—whatever objections could have been thought of by this sub-Committee or by this Conference have all been considered from time to time by experts, and their notes upon them were laid before the Bray Committee when it went from the North to the South and from the East to the West visiting every nook and corner of that Province. Who were they ? They were people who had devoted the whole of their lives to that Province. Sir Denys Bray himself was quite a young man, if not a boy, when he was posted to the Province. He was First Assistant Commissioner of that corner of India, and during his charge of that Province for thirty-two or thirty-four years he was in direct touch with this problem—not only from the local point of view of an administrator but also from the high Imperial point of view. He was Chairman of the Committee which went into the case. Who was the Secretary of that Committee ? It was another gentleman of the same service and with similar experience of the Frontier, having put in thirty-five years of the best part of his life in that corner of India. He was the Revenue Commissioner of the Province at the time the enquiry started, and he ended his service by holding the charge of that Province. Both of these gentlemen are still alive. Fortunately both of them are in the British Isles at the moment. One is even in this room. If my friend Sir A. P. Patro wants to examine them I shall have no objection, but I hope they are not going to change their minds after the experience of last summer. As a matter of fact the Chief Commissioner told me in so many words that he was very sorry that the matter had been delayed so long that it had brought about those results. Even now the attack is waiting at your gates, but you do not seem to be very keen or in a hurry to settle the matter and to dismiss the attack. This is my plea for delaying no longer. It is not only strangling our hopes and our existence, but it is also costing you money if not blood. This is all I can say.

As regards these various items, what one is there which has not been given consideration to in separate paragraphs in the Bray Commission's Report ?

It is said that there are five districts and the trans-border area, and the two put together makes the case very complicated and very difficult of solution. I am a practical observer—an observer on the spot—of those difficulties, and I would not deny that there are difficulties. This very question was put to me in the Assembly last time by the present Foreign Secretary, and I replied to it that I could not see any insurmountable difficulty. Difficulties there are, but there are difficulties in every walk of life. Even in the South in Madras there is the difficulty of the Brahmins and non-Brahmins—a question much more difficult to solve than the trans-border area and the five districts. I do not think there is a single difficulty which is not solvable. I would suggest the solution of all and every one of them in just a few words, and my solution of them would be from the practical point of view, because I also have spent the whole of my life on that Frontier, not only in the Government Service which I entered in 1888, finishing in 1919 (during which I did not miss a single expedition on the Frontier for all of which I received some sort of recognition), but in my personal and private capacity. It is on the strength of that experience that I am speaking to-day.

Having said so much, the first point before us is whether the settled districts should be separated from the tribal area. That subject has been fully discussed in this document which I have before me. I was one of those who said that they should not be separated. Whether they can be separated or not is another matter, but I say it is better that they should not be separated. I was the first to be examined, more or less with the concurrence of everybody who was there, by the Bray Commission. I was the first witness, and I laid the case for the Province before that Commission. What was the last sentence ? The last sentence of my statement was that if for any unknown reason it was not found possible to introduce a full fledged Province—(phrases and terms are always changing ; in those days they used to say the whole paraphernalia of constitution)—then the people as a whole would rather like to go back to the Punjab and be amalgamated than to lose their right of civil citizenship.

Here is one little secret word which I should lay before the sub-Committee, and which ought to solve all our difficulties. Both the Hindus and the Mussalmans never spoke a word about ability or education, and so on—nothing at all. The point at issue was whether we should go back to the Punjab or whether we should form ourselves into a separate full fledged Province. According to the Hindu idea then prevailing, we were quite fit to go back to the Punjab to work those reforms which were in existence in the Punjab, and that the settled districts could be separated from the rest of the tribal area.

As regards the Mussalman population the shrewder of us, the clearer of us, the more intelligent of us, and the leader of that group, Mr. Sa'adul Din Khan, who is the present day Additional Commissioner of the North-West Frontier Province, all say " Mind, they will find it very difficult to set up all this machinery in this Province. Why not take the easier course ? Put the whole demand that we want, of amalgamation with the Punjab." We repented, and I repented, because I was the leader of the local Hanedi, and I said, " No, it will look very funny if we have a small Province of our own." There were many secrets, but we thought that we were going to be linked with the fountain head by some ties—you know what I mean—like the proposed Damascus oil pipe. Well, that was the idea. We thought, " Oh, there are plenty of services ",—" If you are to take dust, take it from a big amount." So we linked ourselves. I will not refer to any other persons who are aspiring to better conditions at the present day, but, however, we made a mistake, and we thought, " We shall get all that we want now."

Well, time passed on and our first experience was a funny thing. When we were separated we were not given any share in the property of the Colony lands. Look at them. After thirty districts then comprised in the Punjab, five districts had at least some share in the common land of the Colonies. Not an inch of that was given to us. What an iniquity it is that even our people serving in the army and retiring there were told, " You cannot be given land from the Colonies because you are not a resident of the Punjab." People who are fighting shoulder by shoulder with brothers will be denied a share in the Colony because unfortunately, by a stroke of some pen or some whim, they were separated from the Punjab and lost it and had no share in the Colony land.

What were the services we used to get ? Laymen with quite a small education got to the top of the services, and a man was appointed minister in Bahawalpur, and was recommended for a high position. But now-a-days that unhappy Province is not thought fit to send people even for the British Embassy at Kabul, because we have identified ourselves with the Frontier Province, so that they hate us like poison and the Amir of Kabul told me, when my name was suggested, that a man who had been

recommended for these things at the age of 32 must be a Christian in the guise of a Muslim. We lost those services.

We are all Khans with historical traditions. . . . We were part of this Province in the early days. My friend over there, the Raja Sahib, knows how many of us were given the Statutory commission. When it opened to the Punjab, was it thought that we were being given more than our proper share in the Imperial services ? No. They said that physically, intellectually, traditionally, and for various other reasons, we were fine people, and we had our European rights. It is now, after the lapse of that time, that the Punjab has got some opportunity, since they got rid of these idlers from the North—I should call them capable people from the North—and they have improved their position. Our case is, I do not think anybody is likely to take us back over there, and I would not press that, because why ? Ten years more possibly will be spent in considering this question whether the Punjab is prepared to take us back or not. I want to think that it will be settled once for all as early as possible ; but there is one little suggestion here. I give you a guarantee that if that question was put to the people of the North-West Frontier Province scarcely one per thousand would vote against it, if even that one per thousand. That is the solution, but (Persian proverb) . . .

" A fool does the same thing as a wise man may do, but after a thousand years." Well, we do not want to delay this ; otherwise that is quite a fine solution for it. And why is it my solution ? I wish there had been a map of this Province. The construction of the Province was a whim of somebody at the time of Lord Curzon. Lord Curzon could not have gone from inch to inch on the ground, and his successor, the noble Marquess here, could not have gone. He may have flown over the territory. Twice, I think, he visited it during his residence, and perhaps another member of this Committee has flown over those hills ; but the bird's eye view of these things seldom gives an opportunity to people to learn the position. What is there on the trans-border area ?

(At this point copies of the map of the N.W.F. Province in Vol. 1 of the Simon Commission Report were circulated.)

Perhaps the Chairman may like to look at the map. I may be able to explain it. The present North-West Frontier Province was composed of two divisions of the Punjab. One was called the Peshawar Division and the other was called the Derajat Division. The Derajat Division had three districts. One was Dera Ghazi Khan, and the other was Dera Ismail Khan. The Peshawar Division had the same districts under it as at present, except that there is a little cutting. Dera Ghazi Khan is surrounded by the same tribesmen, at least on one corner, and those turbulent people are even more feudal than the people in my Province. That is again a very strong point to be considered. That is more feudal. Everybody at this table, especially the officers, know that Baluchistan is still more or less feudal under their feudal laws. That district, with its feudalism and feudalistic ideas, and bordering on the same turbulent tribes as my district, at *least* at one corner, is adjoining the Punjab.....

The present administration of the North-West Frontier Province has not yet found another road or means of communication between its headquarters and the headquarters of the Hazara District, and they have to pass through that ; and that says a good deal for that word " terrain "—military terrain. The military terrain is through that tahsil. The headquarters of the Northern Army is at Rawalpindi, and the troops have to be imported into Peshawar from Rawalpindi. Rawalpindi is the head base, the first-class base, the headquarters of that army, and the next outpost, as we may call it, of that army is at Peshawar, and they have to pass through that, the trains and the various things. As a matter of fact, the whole country beyond Jelum is a terrain for this expedition if there is any necessity for it. All this North part of the Punjab is under the same conditions as we are ; there is no difference. The troops have to move about, but, as I said the other day, when you have to decide for a forward or backward policy or any expedition or anything of the sort, that thing will be decided at the centre, and when you find the men and money for carrying out that expedition, will that be the concern of the North-West Frontier Province only ? Well, if those people supply you with men and money, the whole of India becomes your terrain for that purpose. Even my friends of Central India will not be free from that. There are many garrisons and many cantonments there. Well, the garrisons are not to be removed, the cantonments are not to be changed, the roads are not to be blocked, and my ambition in life, which I will deal with later on item by item, is that I should like that tribal area to be civilised. I do not attach very much value to this word civilisation ; it is a very ambiguous term ; but if the world is to be flooded by what is called civilisation—well, whether it is materialism or selfishness, or God knows what it is, there is such a thing as civilisation, so I should like the whole of the tribal area to be taken in that direction. As early as 1877 the Viceroy said in his note, " It is shameful for a highly civilised government like ours to be so indifferent to the trans-borders of India. We have not improved their conditions. If that is their policy we welcome it, we support it, we own it ; " but what do you do ? You simply treat us like bad boys. When they commit a mischief you punish them, but when they want extra tuition you say " Oh, no ". But whether you did so in 1877 or not, you did undertake certain definite responsibilities in 1893 by the demarkation of the Durand line, and what have you done towards the civilisation of that ? I was directly concerned with the Durand Mission from its inception, and when it was being demarcated from Bannu right down towards Waziristan I happened to be there. We thought we were going to civilise those people, we thought we were going to do them some good ; and what have we done ? At least the Amir did what he could for whatever small tribes fell into his power. Whether it was coersion or whether it was uplifting, or whatever it was, he applied the word " civilising " to them. Whatever civilisation his country had, he applied it to these people. But what about your people ? You still treat them like step-sons. Then what justification have you got for claiming them to be under your sphere of influence ? If there is any justification for your claiming that they are under your sphere of influence, why do you say in this Memorandum which you have sent to us that it is India but not British India ? What sort of India is it ? India of the Hindus ? India of the Muslims ? India of the Christians ?

Dr. Moonje : No-man's land.

Sir Abdul Qaiyum : What India is it ? Some of you may make a claim over to Central Asia. You may call it India, but it is not British India. At one time people thought there was going to be another Central Asian Empire. Well, perhaps it will be linked to that, but that idea is not very practical just now ; and if it is to be a part of the present-day India, then apply the same so-called civilisation to that people, bring them up to that level, or is it going to be a cancer for ever ? What other measures have you suggested for bringing them up to the same level ? In my opinion the same conditions should apply to the whole of India. Why should you deprive a man of his civil rights, of ordinary citizen's rights. I think the difficulties are surmountable ; they can all be overcome without much difficulty. If we do not want any reform, then you must be prepared to meet the cost of building new roads and adding to the expenditure. The moment we ask for reforms, then there is expenditure to meet this and to meet that. The expenditure seems to be going up during recent years. Can money be found for an expedition to punish those people for their misbehaviour, and can it not be found for their education ? That is a simple problem. You want money to punish them ; even now there is money being spent.

They are foolish, I admit ; but are there no other means of conquering their prejudices and suppressing their turbulence ? Is there not such a thing as peaceful penetration ? There is such a thing as peaceful

penetration, penetrating into the hearts of the people. Do not frighten them by telling them you are going to locate a post here or a post there. Let us see if we cannot find a better way of dealing with the situation. There is education, and the mention of that reminds me again of that great man Sir George Roos-Keppel, who, when he opened the College, wrote to the five Agencies and said, " You will have to spend Rs. 150 a month on the education of your boys; you will have to send from five to ten people to be educated, to get to know one another, and to come under the sway of civilization." What is being done about that? I am not a Political Agent now, but I think that subsidy has already been spent on some new road or some new construction—God knows what!

Have you ever tried that? I do not know if my estimate is correct, but I should say that taking a rough estimate 40 crores of rupees have been spent and 40,000 troops employed within ten years on the Waziristan border alone in the ten years from 1919 to 1929. Let us take that figure for the purpose of my argument. Assuming a rate of interest of 5 per cent. on that sum of 40 crores, the interest will amount to 2 crores. I could bring these people under the sway of civilisation—I could even bring them under something approaching slavery—with an annual expenditure of 2 crores. I am sure that I could do it, and even if I cannot there are others who would be able to do so.

I should like to turn for a moment to my friends from India, my Hindu and Muslim friends. Who is paying this bill? I am not paying it; it is you, my Indian friends, who are paying this bill and who have been paying it all along. If you have any care for your money, you will give the method that I suggest a trial for some time. Give them civilisation; give them education. I do not assert for a moment that nothing has been done. Both I personally and my people are grateful to the British Government; the trans-border people as well as others are grateful for what has been done, but I cannot deny the fact that more might have been done; much more could have been done.

Some time ago I took one of the Indian Princes round and showed him the position, and he turned to me and said: " What have you been doing to bring about a more permanent understanding? " I gave him certain information, but it did not satisfy him, and he at once came to the question of education, and said: " Have you been giving education to them? " I said: " They are against education." He said: " Perhaps you have been putting a book into their hand and telling them to read it, and it may be they dislike that; but education can be given in many other ways." By education and opening up the roads, as you have done in the Waziristan, something may be done. You may remove estrangement and bring about a more peaceable situation. It is true that these people were first conquered by the Army, but it is now necessary to devise some other method of maintaining relations with them, and by education and in other ways a good understanding may be brought about.

You must make these people value their life; you must teach them to appreciate comfort; you must teach them to take an interest in what is going on in the world around them. Give them some practical education, and education along those lines and they will not throw away their lives so easily or hold life so cheaply. What is their present condition? Some time ago I had to take up a case in which two or three sheep were stolen and four people killed. I began to tell them my philosophy, saying " Is this right? " and " Is that right? " They said " The life these people of ours had to spend could not be spent at home in their beds." That is the fatalism which they have at present; but if they were more comfortable in their homes, if they could get better food and better clothing, they would not go in for raiding.

I assure you, Sir, that these trans-border people go to Australia to work, and your Army is full of them. My husbandry work in the settled districts is all done by them, but the small number who remain at home cannot get a living. They have rifles to protect their homes; they need them for their own protection, and so they find their way to a neighbouring village with them and get something! But those who earn a wage at Karachi do not do it. They do not shoot a police officer, for instance, for pleasure; they take to these things to satisfy their hunger. There is no political crime. In the olden times we used to have fanatical outrages, but they are now a matter of history. The noble Marquess will tell you nothing of that kind has happened since, I think, 1893. It is only a question of bread and butter, and if they can get that there will be no trouble.

I am afraid I am so full of this subject that I have prolonged my remarks somewhat, though I promised to be as brief as possible.

Sir A. P. Patro: What are your proposals, Sir Abdul?

Sir Abdul Qaiyum: Give us a constitution on an equal footing with the rest of India.

Lord Reading: What would you do with the Executive? How do you propose to deal with that?

Sir Abdul Qaiyum: I am just coming to that. Give me a constitution which will not put me on a footing of inferiority as compared with other parts of India. We are small and insignificant and apt to be forgotten; we cannot come to Parliament again and move this huge machinery to revise the Government of India Act for us, and God knows what the next Government will be, or what the third Government or what the fourth Government will be! It is not an easy thing to revise the constitution. Give us rights of equality in your constitution like any other Province. If you find any difficulty and can convince me of it—and I honestly tell you I shall be open to conviction—then, if for instance there are certain things which may give rise to anxiety, perhaps they may be guarded against for a short time; but provisions to that effect should be made in a thing I have learned of here for the first time, the Instrument of Instructions or the Rules—God knows what it is called! It is quite new to me; I never heard of it before. Let any such provisions be made in the Instrument of Instructions or in the Rules under the Government of India Act or in some other way whereby those things may be temporarily under the control of the Governor-General in Council.

As far as the Local Government is concerned, I was a silent member of the Provincial sub-Committee, and I think we made certain provisions for safeguards there. Some may not have considered them adequate, but I think they were adequate safeguards and would do for our Provincial Governor. By the way, I am not calling him a Lieutenant-Governor; I will cut out the word " Lieutenant "; I want a Governor, no matter what you pay him. Whether you pay him less or more, at any rate call him a Governor.

Sir A. P. Patro: May I ask another question? What is your criticism of the recommendations of the Statutory Commission and of the recommendations of the Chief Commissioner? The Chief Commissioner is now on the spot, and we have his memorandum to the Government of India and the recommendations of the Government of India. Have you any criticisms on that?

Sir Abdul Qaiyum: Thank you very much, but what are your objections to the Simon Commission? If you are pleased with it, I am pleased with it!

Sir A. P. Patro: I am referring to the recommendations with regard to the North West Frontier Province.

Sir Abdul Qaiyum: That is past history, my dear fellow. When the Bray Committee made their report, we might have been satisfied with what the Bray Committee recommended, for it was more than we expected at that time, since we were so out of touch with things. We should not be satisfied now with the recommendations of the Bray Committee. Similarly, if you had not criticised the Report of the Simon Commission but had been satisfied with it we

should not have been meeting here and I should not have had a chance of bringing our case forward. As it is, I want to share in any revision that you may get.

The Simon Commission was only eyewash. Just tell me two things—and they are very pertinent things. They want us to elect half the members of the so-called Council, which is really no better than a District Board. But who will elect those people ? People who will themselves be nominated ! That is what the Simon Commission recommends. While the Simon Commission wants half the members to be elected, it wants them elected by those who themselves have been nominated, and the Report also says that the experience of elections has not proved very satisfactory. There they have rather given themselves away. When I brought this matter to Sir John Simon's notice the other day in London, it may be that he did not like to discuss it with me. He visited us in November, 1928, and certain elections took place in a municipality in 1929, a year afterwards, yet he closed his Report with a statement that the result of elections as introduced in a certain area was not satisfactory. Who could have supplied him with that information except some local official or some local interested person ? Is it worthy of a Commission, and of a Statutory Commission composed of distinguished persons, to quote private information as to the unsatisfactory nature of elections ? That is the kind of report which you have got. In the Assembly I said to them " You do not care to change even a comma of what has been supplied to you in the form of your Report for the North West Frontier Province." I said that to Sir Joseph Bhore.

I look upon the Report of the Government of India as a great advance. It is not the goal, but it is a great advance, and I think on the whole they have treated us well, but it really comes too late. I may be prepared personally to accept what they suggest, but the people on the spot may not be satisfied with anything less than an ordinary Provincial Legislature on the same footing as the rest of India so far as the constitution is concerned. I must reserve my right to discuss the matter when the time comes, but with regard to the suggestion of the Government of India as to . . . .

Sir A. P. Patro : They are the suggestions of the Chief Commissioner.

Sir Abdul Qaiyum : We had better take the views of the Government of India, because the Government of India seems to be much more broad minded than the local Chief Commissioner. The suggestion of the Government of India is this. They say they do not want to introduce dyarchy, but they want to have one official Minister and one non-official Minister. I do not want dyarchy to apply to us either, and this is a very important point as far as the Executive is concerned.

Under that perhaps many things will be fairly safe—even law and order, if we had one official man for some time. But it ought to be made quite clear in the Rules that in future the withdrawal of these restrictions and safeguards will lie with the Governor General in Council. Let him withdraw these conditions as time passes. Let some of the nominations disappear after a little time. Let one or two things, such as the Constabulary, be withdrawn later on as we get the experience.

What I cannot understand is this. Are you going to withhold powers from the Government of India of introducing any emergency measures ? If so—if you are prepared to do that which I consider very dangerous in the case of India, then I shall have to reflect whether I am prepared to accept that.

Sir A. P. Patro : You propose that emergency powers shall rest with the Governor General ?

Sir Abdul Qaiyum : I will try to put it more clearly. I consider that there will be some emergency powers for the Viceroy and Governor General for the whole of India, including the introduction of martial law. Some such emergency powers will be necessary, because the conditions which apply in my small Province do not apply elsewhere in India. There are important and grave relations between the trans-border area and the settled districts. There are other Frontiers on the East. There are other difficulties. If you are going to allow the Viceroy and Governor General some special powers, I shall be prepared to accept them ; I shall be rather delighted to accept them.

Chairman : Do you refer to special powers under normal circumstances, or to emergency powers under abnormal circumstances.

Sir Abdul Qaiyum : I refer to both. I will be prepared to give him both, and if, after that, you are able to convince me that any particular thing existing in my Province is to be safeguarded, I should be prepared to agree to some special extraordinary powers being given to the Governor. The Governor is in direct connection with the Viceroy, and if you were to give it to the Governor I would not mind, but it would look nicer if it were left with the Governor-General, because I do not want any differentiation between my Province and my Governor and the rest of the Indian Governors. I have to satisfy the people who are just behind me. I want an announcement to be sent " We have decided to give you equal rights," whether it tastes sweet, or whatever it tastes like ; but the announcement must go to these people that the stigma of inferiority has been removed from them. That will help us all and will relieve me from my life-long worry, and it will relieve you of a good many inconveniences. Therefore I say, Provincial constitution applicable to the North-West Frontier Province *in toto*. If after discussing this item by item you can convince the sub-Committee that there is one thing which is special for the North-West Frontier Province which has to be guarded against in that area, then I will not be closed to conviction ; I will be quite prepared to accept the position as it is. But vague terms as put down here, such as policy, and foreign policy, and relations and defence are meaningless.

Chairman : We want you to tell us how you would treat these very important questions.

Sir Abdul Qaiyum : Are you going to hand over foreign relations ?

Chairman : We would like you to tell us how you would treat the problem of defence.

Sir Abdul Qaiyum : Defence does not lie with me. It lies with the whole of India. Are we going to defend the Province by ourselves, or shall we get supplies of men and money from the rest of India ? And if men are supplied, will you put them in trains and send them up to our Province so that they will grow up like mushrooms.

Chairman : Not quite !

Sir Abdul Qaiyum : We do not want to remove the lines of communication, and if you can open them out we shall be prepared to find more labour. You are trying to get labour for your people, and we are trying to get labour for our people.

Sir A. P. Patro : You want the defence policy to remain as it is to-day, in the hands of the Government of India.

Sir Abdul Qaiyum : I will not come to loggerheads with you over it. You are always bringing up this question of defence against me. You are defended by the British Navy, but you never raise the question of meeting the cost of the British Navy.

Sir A. P. Patro : I fully sympathise with you ; I am only trying to elicit information from you.

Sir Abdul Qaiyum : It is not the only border which has to be defended. Three sides of the sea have to be defended, and you have not been bearing the proper share of your cost of the Navy.

Sir Samuel Hoare : We should like you to tell us more about this very interesting question of defence. We have all been very much interested in what you have said. The point which is rather sticking in my

mind is this: it seems so very difficult, in the conditions of the North West Frontier, to draw a distinction between civil unrest of various kinds and something which develops very quickly into a military operation. I need not explain it to you, because you have had so much experience of that kind of thing in your career, but it does seem to me, in view of that, very difficult to see how you can have law and order in the hands of one person, and the military side of it in the hands of another. I should have been afraid that there would be delay resulting from that, and that you might then have had the civil troubles, which have always broken out on the North West Frontier, developing into a series of military operations, and great delay taking place. Can you tell us a little how, in your scheme, you intended to manage law and order under the kind of constitution which you have suggested, without impairing the military and the defence side of it both in the districts and in the trans-border area?

Sir Abdul Qaiyum: I will try to explain it, if I may. Is not military and civil administration separate at present? Is not the one managed by Army Officers under the Commander-in-Chief, and is not the other under the Viceroy, on the civil side, assisted by local Chief Commissioners and local G.O.C.'s?

Sir Samuel Hoare: Would not it be fairer to say that both are directly under the Viceroy, as it is now? I should not have thought there was a division now, but that both of them are directly under the Viceroy.

Sir Abdul Qaiyum: In what sense? Do you mean that the Civil Governor requisitions the Army all at once, without referring to the Viceroy?

Sir Samuel Hoare: No—that the Viceroy is in unquestioned control of both of them. There is nothing in between him on the law and order side than the Governor acting direct with the Viceroy.

Sir Abdul Qaiyum: What would be the difference in future? I cannot see any.

Sir Samuel Hoare: I am asking for information. I should have thought the difference in future would have been this: supposing you do get your Provincial autonomy, law and order then would come under a Minister either responsible or not responsible to the Assembly. I should have thought that would have introduced a new complication into the problem.

Sir Abdul Qaiyum: The whole Province will be under the Governor-General and managed by the Centre. In that little tiny Province are you going to give him full autonomy without any connection with the Centre? Will there be no control from the Centre over this little tiny Province?

Sir Samuel Hoare: Perhaps it would be better to take it in detail. On the question of law and order, who would administer all these various police forces which now exist either in the trans-border area or in the settled districts?

Sir Abdul Qaiyum: The trans-border area is quite different. The trans-border area is something like the native States. You have not interfered with the native States so far. Personally I should like the civilising part of law and order to be introduced. However, it is not yet introduced. All the affairs of the trans-border area are managed by the political agents under the direct control of the Chief Commissioner as such.

Sir Muhammad Shafi: Apart from the ultimate responsibility from a constitutional point of view of the Viceroy, in normal conditions who is it who controls law and order even now in the existing conditions in the North-West Frontier Province? Is it the District Officer, and the District Superintendent of Police, the Inspector-General of Police in the North-West Frontier Province, and the Chief Commissioner; or is it the Viceroy?

Sir Samuel Hoare: Surely the Commissioner acting in direct touch with the Viceroy?

Sir Muhammad Shafi: My point is this. Apart from the constitutional responsibility of the Viceroy in so far as the actual control of affairs from day to day in the matter of law and order is concerned, is it the Viceroy who runs the show? Is it the District Officer, the Collector, the District Magistrate, the District Superintendent of Police, the Inspector-General of Police and the Chief Commissioner? In normal conditions the existing state of things will continue. It will be the district Magistrate, the Superintendent of Police, the Inspector-General of Police and the Governor who will be in control of law and order—in normal conditions; I am not speaking of abnormal conditions.

Sir Samuel Hoare: Is it really quite the same thing? It seems to me it is not. In the one case the various police organisations are the agents of the Provincial Assembly acting through the Provincial Minister. In the other case they are the direct agents of the Viceroy. That appears to me to make a difference.

Sir Muhammad Shafi: Constitutionally, of course, it would make a difference, I agree; but my point was different. Constitutionally the position now is different from what the position will be if reforms are conceded to the Province. I quite agree. So it will be in the rest of India. When full provincial autonomy is granted to the other Provinces of India the position will then be different from what the position is to-day constitutionally. That is not the point. My point was "as a matter of fact".

Sir Samuel Hoare: "As a matter of fact" was the angle from which I was approaching it.

Sir Muhammad Shafi: At present, in spite of the fact that the ultimate responsibility rests on the Central Government or the Viceroy, who is it who, as a matter of fact, from day to day is in control of law and order in the North West Frontier Province? Is it the District Magistrate, the District Superintendent of Police, the Inspector General of Police and the Chief Commissioner of the five Districts; or is it the Viceroy—as a matter of fact?

Sir Samuel Hoare: I am afraid, even from the point of view of matter of fact, you do not entirely remove my doubts.

Sir Abdul Qaiyum: I am a layman and not a constitutionalist, so perhaps my reply will be more satisfactory! I understood that you thought that under the present conditions, as far as defence was concerned, the civil administration and the military work were together under one person at one and the same time. That is not the case. The command of the Army and troops lie in a separate person. The ordinary working of the administration is through the Chief Commissioner. Whenever any ordinary requisition arises for the employment of a police force, even including the Frontier Constabulary, it is the Chief Commissioner who is approached by the Superintendent or by the Deputy Commissioner, or whoever it is, and he decides about the employment of that force in larger numbers, if it is not an ordinary case. When anything extraordinary happens, requiring the use of troops, in that case higher authority is required, and that higher authority must rest with the Viceroy. That is the simple proposition, as I understand it. If you allow a local officer —a district officer—to requisition troops or to employ any extraordinary machinery, you will be repeating the Peshawar case of the 23rd April. The City Magistrate says: "I can control the situation," and the District Officer says: "I must import armoured cars into your crowded city." That is the idea. You must decide for yourself, but if you allow the local official to manage these things under the direction of the Chief Commissioner, it still exists; it will exist whether there is a minister over it or whether there is not a minister. Do we understand that a raiding party has arrived in the neighbourhood and is raiding a certain village, and the inspector of police hears about it, and that he will say, "Wait until I have approached the Chief Commissioner, and until he

has consulted the Council, and until the Council has decided whether it is to be intercepted or not"? That actual authority of using that force will rest with the immediate officer under the direct control of the Chief Commissioner.

Mr. Mody: May I ask a question? The Government of India dealt with the whole position briefly, and, as has just been said by Sir Abdul, sympathetically also. I understood Sir Abdul Qaiyum to say that he personally had not much objection to the recommendations of the Government of India, but that he would like those recommendations to be altered to suit his own particular ideas. I think it would be convenient if Sir Abdul Qaiyum would let us have a note of the particulars in which he would like the Government of India recommendations altered. If he does not want to answer now, he might perhaps let us have a note later. I realise that the Simon Commission Report has gone by the board, but the Government of India Despatch holds the field, or we would much appreciate Sir Abdul Qaiyum's criticisms of the Despatch; but may we take it generally that the Despatch represents the opinion of the North-West Frontier Province?

Sir Abdul Qaiyum: I wish I had not used that word "sympathetically," because that was only personal emotion. I was realising the difficulties of the official machine, and how difficult it is to move it, and I appreciated it in that sense. There are many points in the Government of India Despatch which I should like to discuss when we go into details. I am not prepared to accept the Government of India's figures with respect to numbers and special powers and various details, but I am glad that one thing is there, and that is my charter now—that the position in that Province has been realised by the Government of India, and that they really believe that a discontented Province will be a loss and that a contented Province will be a gain, and that the matter has been too long delayed. Those two or three points are really most valuable to me. As regards details, if you raise any of your points and put them into the form of questions, I shall be prepared to answer them. If you would prefer that I should touch those details in a small written note I will do so, and lay it before you.

Mr. Mody: Take one of the central features of their recommendations—namely, the composition of the Executive, one official minister and one non-official minister. Are you agreeable to that constitution?

Sir Abdul Qaiyum: If you will drop the word constitution I shall be agreeable. I do not want any distinction to be made in the constitution. I should like the Province to be treated exactly as one unit of India.

Lord Reading: The difficulty that occurs to me in listening to you, as I often have done in the past—and I know your great value on these subjects—is touched upon there. You say you want the constitution—or, if you do not like that word, the government—to be just as that of the other Provinces, and you really want that in the main to get rid of what you called the stigma of inferiority.

Sir Abdul Qaiyum: Yes.

Lord Reading: You want to be put in the same position as the rest of India, and as they are going to get these great powers you want to have the same, and it has been a burning question for a long time. Now, the position is, from the point of view of the Government of India—only to deal with that—that they recognise that the time has come when there must be a considerable advance, and so far for the moment I will assume that that is right. The difficulty arises here. It is not a question of inferiority. The difficulty in giving exactly the same powers in the North-West Frontier Province as in the other Provinces is because of the geographical position of the North-West Frontier Province and because of the very special conditions which apply to the North-West Frontier Province, with all the difficulties that exist, as we know, with frontier raids, and so forth; so, as it seems to me—I am only expressing my own view; I think it is the view of the Government of India, too, and of everybody who has reported on it; it is very striking that all the reports that I have read take the same view—the Bray Committee, which I appointed, then later the Statutory Commission of Sir John Simon, the Indian Central Committee, and later the Government of India Report, including the Chief Commissioner's Report—everybody is agreed, and I think you are (you must be from your unique experience there) that the North-West Frontier Province is a very special Province; you cannot apply general laws to the North-West Frontier Province as you would to other Provinces, and what I suggest to the Committee is that our problem is to try to find how we are to give effect to the very natural desire of the North-West Frontier Province to make an advance and to get rid of this stigma of inferiority whilst at the same time preserving the special position that must apply to the North-West Frontier Province, and which must mean that in a number of subjects, a number of considerations in which you give effect to the Provincial view in the other Provinces, in the North-West Frontier Province, you must keep them as Central subjects because you do get such an essential difference. The point was put by the question which Sir Samuel Hoare has just put, which has been puzzling me a good deal. We shall have to try to see how to deal with it. Take, for example, the police. I am not going into the different kinds of police that there are, but the police, law and order, we assume, will be transferred in the other Provinces to the Province. To transfer law and order bodily to the North-West Frontier Province seems to me an impossibility, because you would be immediately complicating and confusing conditions there, and in a place which is the very centre of danger to India, which must obviously be the most dangerous spot for India. Now, what I want to find out, and I would be glad if you would help us upon it, is how much could safely be given to the Province—that would mean to ministers, assuming that ministers are constituted—without interfering with the administration generally of the Frontier. I could understand this, for example—some difficulty arising, some local trouble, purely local, it may be between two or three men fighting over a woman or something of that kind, or over gambling. I can quite understand that the local police may be perfectly able to deal with that; but then, that is a very simple matter, and, of course, it is very often difficult to distinguish as between what is a simple and what is a complicated matter, especially on the Frontier. On the other hand, you may have the other kind of case, which you know so well, in which some difficulty arises, some of the Frontier tribesmen have crossed over from the Frontier, crossed that imperceptible border and got into part of British India, the North-West Frontier Province, mixed there with the people, some sort of a signal given, some trouble arises; at first it may look merely a row between two or three men, but you suddenly find, very suddenly and quickly, as you know, that it is a more serious thing than that, and that it either involves a raid or some feud in which a number of persons are engaged, and which is a more serious matter than a mere local squabble. The difficulty arises in administration as to how that is to be dealt with. If, of course, the Executive power remains with the Chief Commissioner as it is at present—I am only speaking of at present—there is no difficulty. He is the agent of the Governor-General, he has got all the powers behind him, subject to the direction of the Governor-General, and he has sub-agents; they are all under orders from the top, and so no difficulty occurs at all. It may be in some cases that it is necessary to consult the Governor-General. In most cases, as you and I know, it is not; the matter is dealt with at once, and then a Report is sent, and if it gets more troublesome, as it may do, further orders have to be sent; but in the generality of things they are dealt with under the general discretion which is vested in them to keep order. But, you see, it is very difficult to draw the line between the two, and the difficulty that is con-

fronting me, trying to give effect to your views, is to see how you can transfer law and order in this particular Province. The difficulty is, I think, very, very great. You really cannot separate the keeping of law and order in the Province from the difficulties that arise in the trans-border, they are so mixed up, except in the very small matters to which I have made reference. Have you thought of that at all, because I think to most of us it is the puzzling matter. There are many other matters which are smaller, which we can all deal with later, but I do really think—at least it seems so to me—that this is the crux of it. Can you do it, or must you say at once, " In this Province, whatever else you may do, you make your Legislative Council and you have your ministers, but nevertheless you cannot transfer law and order ", or is it possible to transfer a portion of the law and order so that that might be dealt with by the ministry, reserving all the rest ? My difficulty is to see how you can do the second.

Sir Abdul Qaiyum : I will try once more, if I may, confining myself to the question of law and order. If any one were to go on the spot, and see how the law and order works there, he will not find much difficulty in following my statement, but I am not sure if many people know the circumstances as they exist on the spot, and so I will put it. From time immemorial two kinds of police have been employed in that Province. One in the olden days used to be called the Border Military Police, and the present name of that police is the Frontier Constabulary. Then there is what we call locally the Black Police, a nick-name given to it because it deals with black things, crime and so on ; in other words we call it the Imperial Police. They are two distinct bodies. They have got two distinct organisations and they have got two distinct commanders, separate commanders. The one is run in the form of armies—companies, battalions, squadrons—and they are commanded by a commandant, not by a superintendent of police as in the other police. The police officer has got his adjutant, his quartermaster, his various other officers, and the people who run them are called subadars, subadar-majors, and so on. They are semi-military ; they are army officers. Well, those are the people who run the Frontier Constabulary, and the Civil Police, we will call it, or the Imperial Police, is under the Inspector-General of that Police, who is the head of that department under the Chief Commissioner. They have got the organisation of superintendents of police, assistant superintendents of police, deputy superintendents of police, and so on. Their jurisdiction is quite different. Their limit of jurisdiction is very much defined. Their territorial jurisdiction is also very well defined. The border-police is posted on the border line inside the boundary, in what are called constabulary posts, and their function is confined to checking raids and pursuing raiders on their return, to check them from entering into British territory and to pursue them when they have been there. They are all linked by telephones and things, and they are patrolling the uninhabited parts of those territories on the border line. That is the constabulary mentioned by the Government of India and the Chief Commissioner in their Report. They realise the difference. As far as the other police is concerned, it is a poor little thing—half a dozen men posted in one police station for investigation purposes. They are neither able to intercept raiders nor even to defend themselves in their little post if attacked by those raiders ; they have simply to shut themselves up in their police station, even if they happen to be near a city, and there is a very fine couplet in Pushto, " Look at the tor policeman. His first duty is to defend his own person."

The poor fellow is very good after the occurrence has taken place and he can go with his handcuffs and put them on, but it may be said, " No, your father was connected with this murder and your mother was connected with this murder." It is very fine to tease people in this way !

The functions are quite different. I shall not oppose it at all if the Frontier Constabulary are to be left under the charge of the Chief Commissioner as a reserved subject. That Constabulary fulfils certain duties. Side by side with them, sometimes at a distance of 50 to 100 yards, there is another line of posts held by the Frontier Militias belonging to the Agencies. There is an imaginary line between, and on one side of that line there are the posts of the Constabulary and on the other side the posts of the Tribal Militia. The jurisdiction is quite separate, and that will remain permanently under the Political Agent. This Frontier Constabulary will remain under the Chief Commissioner as a reserved subject. This Constabulary has no right to interfere in the investigation of crime ; it is simply for defence purposes. That is quite clear and that is the distinction. I do not think that the investigation side must necessarily come as a reserved subject under the Chief Commissioner.

Sir Samuel Hoare : What sort of numbers do they consist of ? There are about 6,000 Police in the North-West Frontier Province ?

Sir Abdul Qaiyum : Yes.

Sir Samuel Hoare : What sort of number would there be of these poor little black police ?

Sir Abdul Qaiyum : If for the sake of decoration you are going to supply a guard of honour for every Assistant Commissioner and local man, to decorate his bungalow, you will require a larger number.

Sir Samuel Hoare : Yes, but how many are there now ? I wondered what was the proportion and what were the numbers.

Professor Coatman : 6,000 Civil Police and 4,000 Constabulary.

Sir Samuel Hoare : It is a big force.

Sir M. Shafi : The 6,000 includes 4,000 frontier constabulary.

Professor Coatman : There are 2,000 police in Peshawar alone.

Sir Samuel Hoare : I understood the 6,000 did not include the 4,000. There are 4,000 Imperial Police altogether in the Province ?

Professor Coatman : There are between 5,000 and 6,000 Imperial Police, and there are 4,000 Constabulary.

Sir Abdul Qaiyum : It looks fairly large, and I admit that, as mentioned in certain papers which have been supplied to us, proportionately the number of Imperial Police is larger than in the Punjab, but I can give you an idea why these numbers swell. There was some trouble in Kohat, in the Cantonments, and instead of the Army protecting themselves, a requisition was sent up to the Government of India —Sir Denys Bray was there—asking for additional police to guard the Cantonments. Do you put that on us ? Take them away or add them to the Frontier Constabulary, and get contingents of the Frontier Constabulary to guard you. My object is simply confined to the investigating police, called the police thana.

Raja Sher Muhammad Khan : The local police.

Sir Abdul Qaiyum : God knows how many are guarding the Peshawar cantonments ! If you go there you will see big posts all over the place which are held by the police. I do not mind them being there, but let them be added to the Frontier Constabulary and do their guard duty like that, the investigation side being dealt with in another way.

Sir B. N. Mitra : The position is to some extent explained in the letter from the Chief Commissioner which appears in the Blue Book which we have. In recent years I think we have named this Frontier Constabulary " Frontier Watch and Ward Police," and they exist not only on the North West Frontier but also on the North East and on the Siam Frontier, and also on the Burma Frontier. Even in Burma they are considered to be a Central subject and not a Provincial subject, and if the North West Frontier

Province is to receive a constitution on the lines which Sir Abdul Qaiyum wants, this Frontier Watch and Ward Police will still remain a Central subject to be administered by the Governor in his capacity as Chief Commissioner under the orders of the Governor-General. Even in this document there is no proposal to make the Police a reserved subject, once Frontier Watch and Ward has become a Central subject.

The position may have become a little confused because I do not think Sir Abdul Qaiyum made it clear that he wants Provincial autonomy of the type described only for the five settled districts.

Lord Reading : That does not answer the point. I quite realise from what Sir Abdul Qaiyum has said and from all the documents, that he only asks for this for the five settled districts, but that does not answer the difficulty that confronts us as to how you are going to work in those five administered districts with those complications in regard to police. On page 334 of the document to which Sir B. N. Mitra has referred, there is one paragraph on the classification of subjects which is worth reading. It says " With the devolution of authority to the Provincial Government there should be a classification of subjects into Central and Provincial, following broadly the lines of the classification in other Provinces. There will, however, be certain subjects peculiar to the North West Frontier Province, chiefly relating to the tribal areas and the defence of India ; for instance, the Frontier Constabulary, Scouts, Frontier remissions and allowances."

Sir Abdul Qaiyum : " Scouts " is not quite clear.

Lord Reading : " Strategic roads, the extra police and other forces necessitated by the geographical situation of the Province, etc., which would be classified as Central subjects, and would not come within the purview of the local Legislative Council." That sums up at any rate what seems to me to be the real difficulty in the matter.

Sir M. Shafi : Mr. Chairman, I should like, with your permission, to supplement the statement which has been made by my friend Sir Abdul Qaiyum ; and during the course of this supplementary statement I propose to deal with the difficulty which is troubling Lord Reading.

Lord Reading spoke of the geographical position of the North West Frontier Province. For the purposes of my statement, I want to speak of the geographical position of what are called the Agency Tracts in relation to the five settled districts of the North West Frontier Province. I want to mention here that I have taken, very naturally, a great deal of interest in the position which exists in the North West Frontier Province throughout my public life. The North West Frontier Province, including the affairs of the Agencies, was originally under the Punjab Government, until the time of Lord Curzon. Sir William Mackworth Young was the Lieutenant-Governor of the Punjab at that period. Lord Curzon, for whom the partition of Provinces seems to have had some attraction, partitioned in the East Bengal and in the West the Punjab. The Bengalis did not take that partition lying down, and because their agitation was persistent and continued over a long period, they ultimately succeeded in getting that partition cancelled. The Punjab, on the other hand, took that partition lying down.

Well, if at that time Lord Curzon had done this in view of the situation on the Frontier, if he had taken over the Agency Tracts and the affairs relating to the Agency Tracts under the direct control of the Government of India, and left the five settled districts with the Punjab, those five districts would have enjoyed first of all the Morley-Minto Reforms and then the Montagu Chelmsford Reforms, and they would now be given the same Reforms as are going to be given to the other Provinces of India. That is so self-evident, that one need not say anything about it.

I used to take an interest in the North-West Frontier Province then, and I continued my interest after the separation, just as I took an interest in other Indian affairs. I was on the Punjab Council and then on the Imperial Council, many times. The fact to which I invite your attention in particular is this, that when the Bray Committee was appointed to investigate the position and if possible to satisfy the demand of the people of the North-West Frontier Province for the introduction of the Reforms, I was a member of the Government of India myself at that time, when Lord Reading appointed the Committee. I was a member of the Government of India when that Committee submitted their Report, and of course their Report came under the consideration of the Government of India.

One thing more. When the Government thought of building a certain road and a certain big scheme was in contemplation, though I am not at liberty to go into the details of that affair this much is well known. Lord Reading's Government deputed Sir William Vincent and myself to go to the North-West Frontier Province and visit Waziristan and all the districts there. We went from North to South over the whole of the North-West Frontier Province and examined both non-official and official witnesses. The officials were civil officers, political officers and military officers. We visited the heart of Waziristan and went almost up to the Durand Line, and we went as far down as Wana in the South-West, and we saw things with our own eyes and examined critically and minutely into the position as it existed in these Agency Tracts and in what is called No Man's Land, as Dr. Moonje characterised it.

I do not want to go into the question of whether the policy adopted by the Government of India with regard to this No Man's Land is sound or unsound.

Sir Abdul Qaiyum : Or if there is a policy at all ! There is no policy.

Sir M. Shafi : I have my own opinion as regards that policy, and I have expressed it elsewhere. At first I did so confidentially, but now my opinion is public property. I will mention one fact which may be of some interest to you, because I am not betraying any official secrets here. So far as the feelings of the resident officials on the North-West Frontier, actually stationed inside the heart of Waziristan, are concerned, we were at lunch in a certain cantonment, and an English military officer quietly whispered into my ear " For the Lord's sake take us out of this hell." That is the feeling amongst the British regimental officers in those Tracts. I do not wish to dwell further on it.

The geographical position is this. There is a range of hills running from North to South along the Western Frontier. On the far side are the Agency Tracts ; on this side, in the plains, are the five settled districts of the North-West Frontier Province. If Lord Curzon had taken over the affairs connected with those Agency Tracts, things would not have been what they are to-day ; probably the heavy military expenditure under which India is groaning at present would have been much less. But he decided otherwise, and he mixed up the settled districts of the North-West Frontier Province with the Agencies. It is this mixing up of areas which has resulted in all sorts of troubles since that period, continuous troubles which the Government of India has had to face. However, as Sir Abdul Qaiyum has told you, Lord Curzon left out of the plan which he adopted for partition certain portions of what is really the North-West Frontier Province. These he left with the Punjab, though really no distinction can be made between those portions and the five settled districts.

Sir Abdul Qaiyum : That is the point.

Sir M. Shafi : Those portions are actually enjoying the present Reforms, along with the rest of the Punjab. Why, then, should any distinction be made between these fire districts and the Punjab or those parts of the Frontier which are still regarded as portions of the Province of the Punjab ? There does not seem to be any reason for such a distinction.

The dissatisfaction in the North West Frontier Province is so deep and so widespread that I have no hesitation in saying that the troubles which the

Government of India have had to face—and I say this with all the consciousness of responsibility which must rest on the shoulders of a man like myself, who has filled responsible positions—and all the trouble which last year and this year the Government had had to face, are due to that very deep-rooted dissatisfaction amongst the people of the North West Frontier Province. But for that dissatisfaction, the people who are interested in stirring up trouble would never have succeeded in those five districts or round about Peshawar as they actually did. If you will remove that dissatisfaction you will find the position will change.

Coming now to the point that troubles Lord Reading, as has been pointed out there is the military force spread over all these hill tracts and so on, and holding posts. I have seen those posts with my own eyes; there are posts on the top of hills containing a few men, whose life is miserable. Here and there there are contonments. At Larkhwa there was a full brigade at the time I visited it, and in other places there may be a regiment or half a regiment living in barbed wire camps and not allowed to leave them before 9 in the morning or after 5 in the evening, and not allowed to visit even the adjoining villages without the special permission of the commanding officer; in fact, undergoing simple imprisonment behind their barbed wire. That is the position of the poor people who are posted there. No doubt as a *quid pro quo* for these hard conditions they are given a Frontier allowance, which means more and more burdens on the taxpayers in India, but their position is pitiable; of that there is no doubt.

Well, there is that military force, and then there is the Frontier Constabulary force. When I went there that enthusiast Major Handyside was in command of the Frontier military force, and he told me that if the Government were to raise the number of Frontier Constabulary and build a road from North to South parallel to the hills and just a little distance from them, a road on which motor traffic could run, and build Constabulary posts at distances of two or three or four miles apart, connected by telephone—I forget the exact figure he gave me, but I can inform the sub-Committee later—he said he would guarantee the defence of the Frontier of India against any raids by Mahsuds or people from Waziristan. He said that all the heavy expenditure Government now incurred on the Frontier would become unnecessary. There is that Constabulary force, and it will interest you to know that this policy which he recommended, and which is called the Closed Border system, is in actual operation from Peshawar towards the North, but not from Peshawar to the South, towards Waziristan.

Sir B. N. Mitra : I do not want to interrupt, Sir Muhammad, but things have changed entirely in the last five years since you left. Practically all that has come into operation towards Waziristan since you left.

Sir M. Shafi : I am glad to hear that. There is that Constabulary force, and there is the ordinary civil police, as Lord Zetland characterised it. Incidentally, I think that if we keep to those names of Constabulary Force and Civil Police it will facilitate our discussion.

No doubt occasionally there may be raids from the trans-frontier people into the country. How to meet those raids is the duty of the Frontier Constabulary, assisted by the local police if necessary. The civil police's proper functions are to maintain law and and order within their jurisdiction, and to investigate crime. That is a different force by itself. What I think my friend contemplates is this—that this civil police, which in normal conditions maintains law and order within its jurisdiction, and investigates crime, might be the charge either of the Viceroy or of the Chief Commissioner in the new conditions which he contemplates should be brought into existence in the Province, but that the Frontier Constabulary might be treated; as the military police on the Assam border is treated, as a Central subject, and should be under the control of the Chief Commissioner and the Government of India direct. That, I think, is a very fair solution which ought to be adopted for the North West Frontier Province, so far as law and order is concerned.

Sir Samuel Hoare : There was one question I wanted to ask. Sir Abdul Qaiyum seemed to me to make out an overwhelming case against the existing Frontier, with tribes divided between one district and another. Do you contemplate, under any possible new system, any re-arrangement of the Frontier?

Sir Muhammad Shafi : No I do not. I think it would be an unnecessary disturbance of the existing conditions. That is the reason why I think such a redistribution is inadvisable. These tracts have actually been part of the Punjab ever since the partition. They have already enjoyed the reforms. They have gone through the training of the Montagu-Chelmsford Reforms. They have been living under those conditions continuously during all that period, and it is not necessary, for the purposes of giving reforms to the North West Frontier Province, that there should be any such redistribution.

Sir Samuel Hoare : You agree generally with that, do you, Sir Abdul?

Sir Abdul Qaiyum : I will not alter the statement which I have already made to the Bray Commission. If I am deprived of any rights as the result of separation, I would rather give up this dream of a separate Province in order to save my civil rights. But if I am not deprived of any rights I prefer to have the present arrangement remain.

Dr. Moonje : I do not quite follow that.

Sir Muhammad Shafi : In a few words, he said he would like to have them back.

Dr. Moonje : Which back?

A Member : He would like to go back to the Punjab.

Sir Abdul Qaiyum : I put it in this way. Certain arrangements were made by Lord Curzon. I do not think they have borne any good results. At least in one case where the people concerned were very powerful it ended a settled fact—Eastern Bengal and Bengal. Where the people happened to be poor, and who loved peace and tranquillity, they suffered on account of this separation. I do not mind telling you that we had all sorts of hopes. We thought we were going to be linked direct with the fountain head of all blessings.

Lord Reading: Is it really for this sub-Committee to discuss this question? It seems to me to involve very big questions, if we are going into it, as to what the policy should be with regard to the Frontier. It hardly seems to touch the question which we are considering—which is, what is to be done with the North West Frontier Province as it stands?

Sir Abdul Qaiyum : Quite so. I will not go into these details. I will simply say that if Waziristan, surrounded by turbulent tribes and being more feudal than ourselves, can enjoy without any great hindrance full fledged reform along with the Punjab, surely we can do it. If it fails in the course of time the fault will not lie with us. If we are considered fit to run the Frontier Crimes Regulation and impose sentences of fourteen years' imprisonment, where the police and the magistracy have failed to trace the guilt or innocence of a person, surely we can be trusted with the construction of a road here and there. Even if you still insist that we shall have a little patience and not devour things which might be indigestible, I will not say a word about it on behalf of any people whom I represent. Provided the constitution is the same, I would not have any serious objection to the first Council exercising certain restricted powers and the Second Council exercising more, until we reach, in the ordinary course of, say, four, five, six or ten years ————

Mr. Mody : In other words, lay down the same constitution for the North West Frontier Province as for the rest of India, but with the proviso that for the first ten years a slightly different constitution may have to be imposed upon them.

Sir Abdul Qaiyum : You need not take my last figure of ten years. I also said four, five or six.

Sir Bhupendra Nath Mitra : The tribes adjoining Waziristan, to whom you referred, are also politically administered by agencies of the North West Frontier and by Agencies of the Punjab.

Sir Muhammad Shafi : They will continue to be under the Government of India.

Sir Abdul Qaiyum : Though I should like them to be civilised a bit.

Raja Sher Muhammad Khan : It seems to me that we have gone far away from the question which Sir Samuel Hoare and Lord Reading put, namely, that if law and order is transferred to a minister in the new constitution what will happen then ? They think it would confuse the question of constabulary and local police and the Army. That is the question we have to solve. I think it would be solved by co-operation between the Army and the Constabulary and the Police. I was at Bannu in 1917 when there were many raids from across the Frontier, and what happened then was that the police District Officer wrote to the military Commander saying that he wanted one or two companies. The Army, Constabulary and Local Police worked together very well. If law and order is transferred to a Minister, and if he works in co-operation with the Army and the Constabulary, which will be under a Governor, I do not think it will confuse the question.

Lord Zetland : If I may say so, I think the air has been very much cleared by this discussion. My difficulty also was the control of the Police, but I understand now that the control of the Constabulary and the Militia will remain under the Chief Commissioner as the Agent of the Governor-General.

Sir Abdul Qaiyum : Yes.

Lord Zetland : So that they will not in any sense come under a Reform Legislative Assembly in the North-West Frontier Province. That leaves under the Council—that is to say, under the Minister responsible to the Council—what I have described as the Civil Police. I understand that the Civil Police is a very large body in the North-West Frontier Province. The figure mentioned has been 6,000 men. The only difficulty I apprehend now is this. If the North-West Frontier Province is given a constitution the same as is proposed to be given to the other Provinces, the Civil Police will come under the Provincial Budget. Obviously the cost of the Civil Police in the North-West Frontier Province will be very high, and the question I want to ask is this : supposing the Minister and the Legislative Council decide that they are not in a position (and, after all, the North-West Frontier Province is a very poor Province) to find money for the barracks, the equipment and so on of this very large Civil Police Force, what is going to happen then ?

Sir Abdul Qaiyum : To my mind that is very simple. In the first place the circumstances will be taken as they are. I hope that the coming in of the Council will not make things worse, requiring more Police. Things will be taken as they are with respect to the numbers. These numbers will be taken on, and unless things improve they will never be reduced. Nobody will dare to reduce these numbers. As a matter of fact we hope that with the Council coming in things will improve, but if an improvement does not come about the present strength will be maintained as long as it is required. That leads to the question whether that number, which is really more or less—that is, the proportion of the Civil Police which is really in addition to the proportion in the Punjab—could be more easily treated as Constabulary, because the Constabulary at present is occasionally required to perform certain duties at cantonments, and in some places their headquarters are at the cantonments.

Lord Zetland : That answers my question. I understand that a proportion of the existing force of civil police—a proportion of the 6,000 Civil Police—would be handed over to the Government of India and converted into Constabulary ?

Sir Abdul Qaiyum : Yes. That is one way, but we do not want our Budget to be cut at once. We would like to have things as they are.

Chairman : It is nearly ten minutes to five. I do not know how much longer you would like to continue this general talk. Would you like to continue now and finish or would you like to hear Sir Denys Bray to-morrow morning ? He has had an opportunity of hearing this discussion, and no doubt he will be prepared to deal with some of the difficult points which have been raised. We shall all value his opinion upon those points.

(*The sub-Committee adjourned at* 4.55 *p.m.*)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. V (NORTH WEST FRONTIER PROVINCE) HELD ON 30TH DECEMBER, 1930.

Chairman : It was agreed last night that our first business this morning should be to hear the statement from Sir Denys Bray. I am sure, Sir Denys, the sub-Committee will be delighted to hear what you have to say.

Sir Denys Bray : Sir, I am inclined to think that if I make a very brief introductory statement it will suffice. I may possibly be more helpful in endeavouring to answer questions.

Looking back on yesterday's discussion, I feel that I may perhaps be most helpful if I try to bring out in more general form one of the aspects of this problem of giving the Frontier Province provincial status with safeguards ; that is to say, the All-India aspect.

Yesterday, to a listener like myself, there seemed to be a slight tendency perhaps to treat the All-India aspects as confined to, or at any rate centring in, things like raids. I should like to look at the All-India aspects as I used to do as Foreign Secretary. From that angle it is seen that affairs in the districts very often have their unexpected repercussions in the tracts. I went on the Enquiry Committee as Foreign Secretary with a very strong bias in favour of any solution which would enable the Government of India to get rid of the responsibility for the districts, and enable them to concentrate themselves on the All-India problems of the trans-border. That was my very strong bias. I hoped against hope ; I hoped against all my experience, both as Frontier Officer and Foreign Secretary, that a division between these two might be possible—that it might be possible to transfer the districts back to the Punjab, leaving with the Government of India the tracts. That would have solved many difficulties, and had that solution been possible this sub-Committee would not have been sitting now. The districts would have got their reforms along with the Punjab in the ordinary way, including all branches of the administration.

We found after a very patient investigation, treating the problem as a new one, that that solution was impracticable. I believe it myself to be quite impossible. Greatly to our disappointment that conclusion was forced upon us, and our statement of

reasons is given in the Report. I went over that part of the Report a couple of weeks ago, and found very little, if any, that I should now care to alter. It is rather closely reasoned, and I am inclined to think that I may possibly be helpful if I try to put the same matter in a more homely fashion now, drawing on one's day-to-day experience as a Frontier Officer. What I am going to say will of course be A, B, C to Sir Abdul Qaiyum, but it may help to bring out the more general aspects of the All-India interest in the Province.

I was once in political control of the Orakzai, who share Tirah with the Afridis. My immediate office was sub-Divisional Officer of an ordinary Sub-Division in British India, but in addition I had, as I say, the control of the Orakzai. How was I expected to control them? It seems on the face of it an impossible task, because I had the most strict and stringent orders not to set foot in their country. They themselves, ordinarily speaking, denied me the right to enter their country. True, when relations were established, they used to give one rather embarrassing invitations to go across to shoot or whatnot, but owing to these very stingent orders which I received from above I was not allowed to accept them—orders which, I may say, I thought then very foolish, but which I myself as Foreign Secretary afterwards re-established very stringently; for the risks are too great.

However, here I was told to control the Orakzai, and told that I could not enter their country. How did one exercise such control as we did exercise? Let me mention in order to leave it on one side one obvious means of control. When they raided into our districts, as they did from time to time, our police or constabulary, or what not, pursued them and gave them such punishment as was possible. That is one obvious means of control, but that was not really the day-to-day control. In the first place I used to receive regular visits from the tribal assembly —the Jirga as we call it. No one who has had to deal with the Pathan Jirga can doubt the extraordinary natural capacity of the Pathan for representative and democratic institutions. In Jirga we used to discuss and deal with the various troubles that had arisen between the districts and the tracts, the claims and the counter-claims, and the various measures one had to take for the better preservation of the peace of the district and the better reinforcement of the rights, such as they were, of the tribes. I was reminded of this part by what Sir Abdul Qaiyum said yesterday on the necessity for the penetration of civilisation into the Frontier tracts. We have not done half as much as one would like to have done, but we have done a good deal—for instance, by encouraging the Maliks to send their lads to our schools. We used to encourage, if encouragement was really needed, the tribes to send their sick and wounded into our hospitals. The civilising work of our hospitals—government, private and missionary—on the Frontier has been tremendous. One used to do what one could to uphold the rights of the tribes in the district, such as grazing rights or the cutting of dwarf palms, and so forth. In those days the Sub-Divisional Officer was an autocrat, and he was able to ensure that the hospitals and the schools took in the sick and the trans-frontier boys.

Under the new regime, with a Minister, I can understand that difficulties may arise, but I should like to use that very valuable word which Sir Abdul Qaiyum used, and say that I cannot believe that insurmountable difficulties will arise. Supposing Sir Abdul himself were the Minister, or a man like him: I find it difficult to believe that difficulties would arise, because such a man would appreciate quite as well as any officer of the day—probably better—the interrelations between the trans-border man and his cousin in the district, and the repercussions of actions taken in the district in the tracts. But I do anticipate that difficulties might arise—I think they would arise—if the Minister were one of those men whom Sir Abdul described yesterday as the far more clever intelligensia. It struck us very much on our Commission how the further one went from the Frontier the less the appreciation of the real Frontier difficulties. We had Pathans before us who had been brought up in the towns, and their appreciation of the relations between districts and tracts, and Frontier difficulties generally, was very different from that given us, for instance, by our first witness Sir Abdul Qaiyum.

These considerations do suggest to me how desirable it will be to secure that the All-India interests, such as I have attempted to sketch, are safeguarded by power lying with the Head of the Province effectively to control action from time to time as necessity arises in cases where, in his opinion, All-India interests are being endangered or being critically impaired. It would be, for instance, a grim thing if the future Minister for Education were suddenly to say "The pressure on our own schools is so great that we cannot find any room for these trans-border fellows." Similarly with our hospitals. We have just built a magnificent hospital in Peshawar. The Government of India were induced gradually and under great pressure to make an adequate subvention towards it, and the argument I had to use the whole time was that this hospital is serving All-India interests. We want it to be open to the trans-frontier men. There is no greater civilising influence than a good hospital. Its influence will extend far beyond Peshawar into the trans-frontier and beyond into Afghanistan.

What I am trying to suggest is this. All-India has great interest in the Frontier Province. It is right therefore that All-India should foot a very large part of the Frontier Province bill. It is doing it now. It will have to do it under whatever regime is set up. A very large portion of the expenditure on the Frontier (I am not referring now to the trans-frontier expenditure)—a very large expenditure in the districts will have to be provided by the Government of India for the safe-guarding of All-India interests. It is right therefore, as they will have to pay, that they should also have a say in the day-to-day affairs of the Province. Not that I want to suggest for a moment that they should be interfering at every turn. I want to suggest that it is very difficult to see how All-India interests can be adequately safeguarded unless there is a reserve power somewhere to insist on action being so taken that All-India interests are safeguarded.

I have endeavoured, with these homely illustrations, to show the inseparability, as I call it, between the districts and the tracts.

(*Sir Denys Bray then proceeded to illustrate the constant reactions of district and tribal affairs on India's external relations.*)

Chairman: Thank you. Now, Sir Denys has said that he would be prepared to answer questions.

Dr. Moonje: I understand you to say, Sir Denys, that in view of the defence problems for which the British Government is responsible at the present moment you think that there is no insurmountable difficulty in the Frontier Province.

Sir Denys Bray: No insurmountable difficulties.

Dr. Moonje: You think it would be possible to distinguish expenditure in the Province required for the day-to-day administration from expenditure on what are called All-India interests?

Sir Denys Bray: I am not sure whether I have followed your question properly.

Dr. Moonje: I will explain it. Do you think it will be possible to differentiate in the expenditure one part of the expenditure which would be regarded as all-India expenses for all-India interests, and another part of the expenditure which would be regarded as the day-to-day administration of the Province?

Sir Denys Bray: Well, of course, quite clearly one can make the distinction at once between expenditure incurred in the tracts or over the tracts solely, and expenditure in the districts. When you come to the districts, of course, a certain amount of paper adjustment has to be made. Take, for instance, the Chief

Commissioner. The Chief Commissioner—one might say that two-thirds of his salary ought to be debited to the tracts and one-third to the districts, and so on. If you understand what I am driving at, you can make at once one division, but having made that division and having got down to the districts themselves, you will then be left with a sum which can only be adjusted on paper.

Dr. Moonje : No, no ; my point is that by granting reforms naturally the day-to-day expenditure in the Province will be increased. Do you think that even in that increase, all India will require to make some subvention, or to take part in it ?

Sir Denys Bray : I find it very difficult. One starts off at once with the certainty that, however you may divide your expenditure, all India will have to contribute a very great deal still.

Dr. Moonje : My point was whether, as regards the day-to-day administration in the Province, the whole of India will also have to contribute to that ?

Sir Denys Bray : Well, the figures are before you. You will understand them. I confess I do not ; I mean, I am not a financier of any sort or description. But, speaking broadly, I am well aware from bitter experiences that the expenditure on the Frontier is so high that, distribute the charges as you may, all India must expect to foot a large portion of the bill in a Province where she has interests in a manner as she has not got interests in any other Province.

Lord Reading : And in which the deficit must be larger when you have made a Province of it with its own Executive and Legislative Council. I mean, the amount of it is perhaps not easy to state at the moment, but what I really wanted to point out, following, if I may, what Dr. Moonje was putting, which seemed to me very pertinent, was this. You have got an expenditure at the present moment in which roughly speaking—I am just taking the figures as we have seen them at some time—the Central Government would contribute 111 lakhs for the purpose of the administrative areas, leaving out altogether the trans-border. Well, that is based on calculations of present conditions. The new conditions which would supervene, if we gave effect to the desire of the Province, must necessarily entail some further expenditure which would be chargeable to the Province for the mere domestic carrying on of the provincial government ; I mean, it all carries expense with it. Well, what I wanted to point out was, it follows from that, does it not, that if 111 lakhs would be required at present, when you have got your change into a provincial administration there would be something more required. I am not asking you to say how much ; nobody can, without a proper calculation.

Sir Denys Bray : That is so, Sir.

Lord Reading : One cannot say how much, but there must be an increase of expenditure which may not be very material, but it must be an increase.

Sir Denys Bray : That we accept.

Lord Reading : And, of course, it is an increase of expenditure which would have to be found from the Central Government, as the Province could not do it ; and then, I suppose, it would follow, would it not, Sir Denys, from what you have told us, and on the assumption that you have the provincial government, that we should have to consider whether it would be necessary to impose any check upon the power of the provincial government to pass expenditure ?

Sir Denys Bray : Yes.

Lord Reading : I mean for the reason—I want to be clear—that if there is a subvention from the Central Government in order to make the budget balance, to make up the deficit on the general administration when the provincial government has the power of voting grants for what I may call, for convenience only, social legislation and social administration, which naturally it would want to do—education, public health, and so forth—the expenditure will become greater ?

Sir Denys Bray : Yes.

Lord Reading : And then the question is, if the amount has to be made up by the Central Government, if that was the case, of course you would want some check on it, and I suppose the answer that you might make, if I correctly apprehend what you have been saying and what has been put before us before, certainly before me in past days, would be to say, well, in that respect what the Central Government would have to do would be to provide a certain amount of subsidy or subvention, or whatever you choose to call it, and the provincial government would have to balance its budget within that. It would get that assistance ?

Sir Denys Bray : Yes.

Lord Reading : Otherwise, of course, it must control its own expenditure. If it made a greater deficit it would not get the subvention increased merely because it had voted more for social purposes. That is what I mean.

Sir Denys Bray : That is so.

Dr. Moonje : That is exactly what I meant, too.

Sir Samuel Hoare : To follow out what Lord Reading said, I suppose you would have your subsidy made over a term of years. Have you any opinion about that ?

Sir Denys Bray : I personally think that a term of years would be found the most convenient all round.

Lord Russell : With a fixed subvention during that time ?

Sir Denys Bray : For a term of years, yes.

Sir A. P. Patro : I believe that a 50 or 60 lakh subvention is being contributed now to the Amir.

Lord Reading : Not now. That was brought to an end by the Treaty of November, 1921, I think it was. I just want to put one or two questions. I am afraid I have to go to something later on which must prevent my attending here, and I should just like to ask Sir Denys one or two questions, therefore, only really for elucidating the argument. I wanted you, Sir Denys, if you would, to direct your attention to two things only which I want to bother you about. One is the Executive power, and the other is, I want to ask you a question about this so-called Black Police. Have you come to conclusions—I am not sure that I ought to ask you what they are, but I should like to know whether you have come to conclusions yourself—with regard to the creation of an Executive ? What I have in mind is, assuming that you would have a Legislative Council for the Province, and assuming again that you have two ministers—I am leaving aside altogether for the moment the question as to whether one of them should be official or otherwise—two ministers who would be entrusted with responsibility as ministers, and over them you would have the Lieutenant-Governor, or the Governor as Sir Abdul Qaiyum would call him (and I will not quarrel with him about that) .....

Sir Abdul Qaiyum : "Lieutenant" does not sound well.

Lord Reading : No ; it is a stigma of inferiority ! Supposing you had your Governor over them, I wanted to direct your attention to a point that is very much in my mind with regard to it. Assuming all these conditions met—I need not go further into detail—are you prepared to express an opinion as to whether or not it would be possible for ministers to carry on the ordinary administration with the executive powers independent of the Governor ? Do I make myself clear to you ?

Sir Denys Bray : Yes.

Lord Reading : You see, you may have two different systems. One is a system in which the Governor presides over the ministers, and is really the chief of the Executive, whatever the ministers' view may be ; that is one possibility ; I am not saying it is right or wrong ; the other is a system in which you

have ministers who have responsibility to the Legislative Council to carry on both executive and administrative powers with a Governor over and above them with emergency powers. Those are two quite different considerations. Do I make that clear to you ?

Sir Denys Bray : Yes.

Lord Reading : What I wanted to know, and I am not sure if I ought to ask you, and if you have any doubt about it do not answer .....

Sir Denys Bray : My difficulty is to make my answer sound right.

Lord Reading : I know enough of Sir Denys to say that if that is the only difficulty he will meet it.

Sir Denys Bray : I think myself that the Frontier is so *sui generis* that one must be prepared for a constitution which in some ways is *sui generis*. I feel very strongly—and if I may say so, I thought Sir Abdul was very impressive on the point—that one has somehow to remove the stigma of inferiority, somehow to give the Frontier Province the essentials of reforms, and especially the essential outward appearance of the reforms, and I was hoping myself that though what you are putting, Sir, would arise in vivid practical form in day-to-day work, yet actually in the appearance of the constitution the difference would not be so obvious.

Lord Reading : I follow what you mean, yes.

Sir Denys Bray : To put my answer perfectly plainly, of course I do consider that in view of the All-India interests, which are great, in view of the All-India contribution even to the parochial, domestic administration, which also will be great, it is very desirable that All-India should be satisfied that there remains an ultimate power of control in the hands of some one who will be looking, not merely to the parochial aspect of things, but to the All-India interests. I would regard him not so much as an official, as the All-India representative, the trustee.

Lord Reading : You mean the Governor.

Sir Denys Bray : Yes.

Lord Reading : But, of course, the difficulty which occurs to me about that is this. I quite follow what is in your mind. I do not want to press it unduly at all. We may have to consider how to deal with it. As I understand, what you quite recognise and what we must all recognise, is that there are very special considerations which must apply to the North-West Frontier Province which must distinguish it from every other Province, because of its All-India aspects. I quite follow that ; I quite follow that you want to get rid of any stigma of inferiority. This is what was in my mind when I put my question to you. I have also in my mind the desire that I want to get rid of the stigma of inferiority which, according to Sir Abdul Qaiyum, is so prevalent. I want to be quite sure that, in our desire to do that, we are not taking undue risk with regard to All-India. My reason for putting the question to you about the Executive is to get your view, and I am not quite sure that I have understood it. I would like just to paraphrase it, only to see that I have got it right. I will not pres its further, because it is not the kind of thing to which you can answer yes or no. I only want to get what is generally in your mind. As I follow you, you cannot give the Ministry exactly the same powers as you might be prepared to do in another Province, because of the very special conditions which apply in the North-West Frontier Province ; but you should go as far in that direction as you possibly can, consistent with security in the North-West Frontier Province, and, having regard, of course, to the All-India interests. That is what I understood you to say.

Sir Denys Bray : Yes, Sir, that represents my point of view admirably.

Lord Reading : Then we can work it out ; at least we have got to try to do so ; it is not very easy, but we see what the position is. We have to assume, from what you tell us at any rate, that it is no good our attempting to consider the North-West Frontier Province in exactly the same terms as we would consider any other Province ; it is idle for us to talk of it in that way. But what we want to do is to give the North-West Frontier Province the benefit of the reforms, whatever they may be, that are going to be instituted, in so far as we possibly can, having regard to their natural aspirations, bearing also in mind the very very important considerations affecting the All-India interests. That is the problem we have got to deal with, and I think, as far as I understand it, that what you say helps me very much.

Chairman : You had a second question you wished to address to Sir Denys.

Lord Reading : Yes, I am very much obliged. The second question I wanted to put to you is largely following out the same lines. I want to put it in order to get the benefit of your views. We had a good deal of elucidation of it yesterday from Sir Abdul Qaiyum in the course of the discussion. You were present, Sir Denys, and you heard the discussion about police ?

Sir Denys Bray : Yes.

Lord Reading : I will not go through it all again, because we did discuss it at some length yesterday. What I was going to ask you is this : Do you see any practical difficulty ? That is all I ask you, because we cannot settle the things here in this way. Supposing I myself came to the conclusion that although I quite realise that law and order (I am only going to use general terms) cannot be handed over generally in the North-West Frontier Province, as could be done in another Province, because of the special conditions in the North-West Frontier, yet steps can be taken with regard to the so-called black police or the civil police, the Imperial police, within certain limitations. You know the conditions that apply there. Out of the 6,000 police that we were told there were, quite a considerable portion of those, if you wanted to separate the civil completely from the rest of the administration, with regard to the police, would have to go over to the constabulary. That is right is not it ? That is what I understood we were told yesterday.

Sir Denys Bray : I did not follow that last point.

Lord Reading : I am only dealing with approximate figures and I wanted to get this right. We were told there are 6,000 so called black police.

Sir Denys Bray : Yes.

Lord Reading : And 4,000 constabulary. What I understood from what we were told yesterday was, that if you carved out of the administration of all the police and constabulary taken together of the North West Frontier, the police that would be applicable merely to the ordinary work of the civil police as distinguished from Frontier constabulary in any direction, you would lessen that number of 6,000, and there would have to be a transfer to the constabulary of a portion, whatever it may be, that you would require less than that 6,000 merely for the civil police. That is what I understood you to tell us.

Chairman : Yes, we were told that very definitely.

Lord Reading : That is what we were told yesterday. Knowing you, Sir Denys, I see that you are a little sceptical, not about what we were told but as to whether it was right.

Sir Denys Bray : Yes.

Lord Reading : If you have any doubt, I will not press it, except that I will put the other question. You can answer it generally ; I am not attempting to do more than get your assistance. You see what I have in my mind, speaking for myself only for the moment, is to see whether there is any portion of the police in the North-West Frontier Province that you could entrust to the Provincial administration. Really what I want to get from you is : Do you, from your experience of it, see any difficulty in handing over the police to a civil administration, or do you think that

it would be desirable in the interests of security (I am speaking, of course, quite generally, which is all you can do) to put all the police under one control which would not be purely a ministerial control.

Sir Denys Bray : It seems to be a question in which one has to weigh advantages and disadvantages. Quite clearly from certain points of view the present arrangement is best. One might better the present arrangement. At present there is a certain amount of division. There is the black police under the Inspector General; there is the white police under the head of the constabulary, the Chief Commissioner remaining the co-ordinating authority. From time to time we have thought that it might be better if there were one policeman over them both. I think co-ordination would be best served by leaving matters as they are; but that, of course, is only one of the considerations. I think you will find a very strong consideration on the other hand is the feeling which Sir Abdul Qaiyum would immediately voice that without a certain amount of handing over to the police of certain portions of law and order the Province might be very dissatisfied. Now, coming to the practical disadvantages, I have thought of this part of the case pretty carefully since yesterday's discussions, and I have also, by a happy accident, been able to discuss it with two distinguished soldiers, because I rather gathered from some of the questions that it was the soldier part of the case that was attracting interest and doubt. We all three came to the conclusion that difficulties might arise, but no difficulties really different in kind from the difficulties which will arise, let us say, in Lucknow, that the army do not come up against the black police at all except domestically. I asked both my military officers to cast their minds back; they are both distinguished Frontier officers; I asked them to apply their minds to the conditions, let us say, in Kohat, and the conditions, let us say, in Lucknow, and they could see no difference. They recognised that in Lucknow there will have to be a certain amount of give and take, and a *modus vivendi* will have to be arrived at somehow between the army and the ministers.

Lord Reading : I myself find that a little difficult to understand. I do not quite follow how that can be a just appreciation of the relative conditions in comparing Kohat with Lucknow.

Sir Denys Bray : On this subject of black police?

Lord Reading : Yes, I mean on that subject; that is what I am thinking of. Because, after all, in Lucknow you would not have the same conditions applying. The real problem that we are trying to solve in our minds is with regard to difficulties with the police arising out of raids, or out of some fight between one or two members of a tribe, it may be because of some blood feud even within the tribe, or it may be by one part of the tribe against another. Those are things with which you are very familiar and which you have reported to me. That sort of thing may happen in Peshawar and Kohat which will not happen in Lucknow.

Sir Denys Bray : At the moment I was dealing with the question simply from its military aspect.

Lord Reading : Yes; but I do not mind so much from that point of view, because I can see that, purely from the military side, if you leave out your Frontier constabulary, it might be treated as a military police; but supposing you leave that out altogether, and you are only dealing with an order given by an officer to the soldiers to march or fire or something of that sort, of course the line is very clearly demarcated both in the Frontier and all over India, as it is here. When you get to the police point of view, that is my difficulty in it, so far as I have difficulty. That is the matter on which I want to clear my mind. I am thinking of matters such as I put to you just now, a series of incidents, any one of which may give rise to trouble, in which your black police may be assumed to be dealing, but require assistance straight away from the Frontier constabulary. They may require it at any moment.

Lord Zetland : But surely a District Magistrate in any part of India has the power to requisition troops in case of necessity.

Lord Reading : But really that is not the point I am on; I have said that; we need not go into that. That is the same thing, of course, all over India. I am asking you about the difficulties that you have in Kohat and Peshawar, of which we know and which we cannot get away from, which are quite different from the difficulties you have in Lucknow. I am asking you whether those considerations would make it more difficult to separate the local civil police from your Frontier constabulary; that is really what I want to get at. The calling in of the soldiers I agree, is the same everywhere.

Sir Denys Bray : I think I have tried to suggest my answer in my introductory remarks. So long as the Chief Commissioner can intervene at a critical moment, or, to use the words of the Chief Commissioner's scheme, so long as there is secured to him adequate controlling authority, I think the difficulties will not in practice be very great. At the same time, without such controlling authority, which means in the ultimate resort a co-ordination of your forces, I think the difficulties would be great. But I certainly did not myself gather anything from Sir Abdul Qaiyum said the impression that he himself did not realise that co-ordination of that kind would be necessary.

Sir Abdul Qaiyum : The Chief Commissioner will be the head of both.

Lord Reading : It is no use arguing it for the moment, but that just raises the very difficulty.

Sir Denys Bray : It does, of course.

Lord Reading : Of course it does; you see it at once. You see, if the minister has not the power of control except in emergency, he has not the controlling power. What we are discussing is on the basis that he has not. If he has control of both, we are agreed there is no difficulty.

Sir Denys Bray : The word "emergency" is of course the difficulty. On the Frontier you have got to anticipate the emergency.

Lord Reading : That is the whole point.

Sir Denys Bray : You have got to have a trained man who can realise that such and such action had better not be taken because of its trans-frontier repercussions, and so forth.

Lord Reading : A good deal of what I know of the Frontier I have learnt from your assistance; one of the things that I learnt quite early in the Frontier and in everything to do with the Frontier, when the responsibility was upon me, was that you must take action. It may be that your strongest action is inaction, and that you give orders not to take a particular step, as you were just suggesting, because it may immediately inflame the Frontier. But whatever it is, you have got to be prepared to take action at once, over and over again. To come to your conclusions, there is no doubt about that, is there?

Sir Denys Bray : No, I accept that as true, Sir; but I would not like to be misunderstood to think that the corollary of what I have said is in my mind the impossibility of entrusting the police to the ministry.

Lord Reading : Yes, I think I follow. You do not think it is impossible, but there are difficulties, and we have got to work out and think out how it can be done with safety.

Chairman : Is that all.

Lord Reading : That is all I want to say on that, thank you.

Sir M. Shafi : May I put one or two questions to Sir Denys? With regard to the first question put to you by Lord Reading, in connection with possible differentiation between the powers of the ministry in the North West Frontier Province as compared with other Provinces, in view of the security of the

Province, there are two facts: firstly, that defence will be a Central subject; secondly, that, according to the recommendations of the Simon Commission, approved by the Government of India, the Governor will have certain powers. Amongst the powers proposed by the Commission and approved of by the Government of India there are 1 and 4 to which I wish to invite your attention in particular. One is that in order to preserve the safety and tranquillity of the Province he may interfere; and the fourth is to secure the carrying out of any order received by the Provincial Government from Government of India or the Secretary of State. Bear these two special powers which are vested in the Governor in mind. Bearing those in mind, do not these special powers in the Governor provide the limitations on the powers of the ministry which you would think are necessary in the North West Frontier Province, and carry out the object which you have in view, even from the All-India point of view?

Sir Denys Bray: If I have understood the question aright, I think my answer must regretfully be no. If I understand you aright, and you want me to say quite crudely that I consider that in the North-West Frontier Province the Governor should occupy the same position and have the same powers as, let me say, in Madras, I know the answer in my mind is quite clearly no. I think it would be very difficult; I think it would probably be an impossible burden to put on the Governor to preserve, to safeguard, all-India interests, which are not only those of security, by simply entrusting to the Governor powers to intervene to preserve safety and tranquillity or to carry out a particular order. I think the whole fabric of life on the Frontier (by which I mean tracts and districts) is too interwoven to make such a clear cut division possible. I should have hoped myself that one would have found these solutions somewhat on the lines of the proposals of the Government of India, the keynote of which I quoted just now; it is believed that reliance on a nominated element in the Legislature and official assistance in the Cabinet, may secure to the Lieutenant-Governor adequate controlling authority by giving a Province a sufficiently flexible constitution, and so on. As I read the scheme, there is no suggestion that in fact the Governor should be relegated to the same position as, let us say, in Madras.

Sir M. Shafi: Let us just for a moment differentiate between the two considerations which you have in mind: the consideration of security and that of the All-India interests. Lord Reading's first question was directed mainly to the question of security; it is you who were thinking at the same time of the all-India interests as well. For a moment putting the second aside, the All-India point of view, and keeping only the point of view of security in mind, does not clause 1 of the powers which it is proposed to vest in the Governor adequately provide for that? Is not it intended to provide for that? The phrase used there is: Tranquillity and safety of the Province. Put aside for a moment the All-India view point.

Sir Denys Bray: It is extraordinarily difficult to put aside what to my mind is the all-pervading factor in the North-West Frontier Province.

Sir M. Shafi: But at the same time, if you have the situation in view, remember that defence will at the same time be a Central subject, and therefore the powers of the Governor under Clause 1, and the powers of the Governor-General in Council, the Central Government, in connection with defence, will be working at the same time. Therefore are these powers sufficient so far as the security point of view is concerned?

Sir Denys Bray: I doubt it. On that basis my mind would have to readjust itself from top to toe, and I should have to withdraw what I said about the advisability of transferring the black police, for instance. On the line that you are trying to draw me now, I would have to go over the various subjects again and say, what about health, education and so on; and when I came to the black police I think I would have to draw in my horns entirely, because putting the Governor in the position of an ordinary Governor and confining his powers to those given to a Governor elsewhere, I believe myself that the difficulties, which I recognise, over the transfer would become, to use Sir Abdul's word, almost insurmountable. I think the All-India risks would be too great.

Sir Bhupendra Nath Mitra: I want to pursue the same question. I will divide the subjects into two parts—firstly, the black police to which reference has been made. I shall invite attention to the Report of sub-Committee No. 2 in regard to the statement made therein as to the powers of the Governor. I know that this provision has been dissented from by certain Indian members of that sub-Committee, but the provision is this—

> "The Governor's power to direct that action should be taken otherwise than in accordance with the advice of the Ministers shall be restricted to the discharge of the specified duties imposed on him by the Constitution. These duties shall include the protection of minorities and the safeguarding of the safety and tranquillity of the Province."

The question I should like to put to Sir Denys Bray in the first instance is: Will not that provision meet the requirements connected with the black police? This is quite distinct from special and emergency powers. If these powers were to be exercised by the Governor of the North-West Frontier Province, will they not meet the requirements in regard to the black police? I am not at the present moment talking of the All-India requirements.

Sir Denys Bray: You are visualising, are you, the Governor in the background—the Ministry carrying on and the Governor in the background, the Governor not intervening until he sees that the protection of minorities and the safeguarding of the safety and tranquillity of the Province are in danger?

Sir Bhupendra Nath Mitra: I am not now thinking at all of All-India requirements. I shall deal with them later.

Sir Denys Bray: I should have thought they were All-India requirements.

Sir Bhupendra Nath Mitra: We are discussing the black police, and I do not think that is an All-India requirement; but if I have to make my meaning clear I will say this: in regard to All-India requirements, in view of the subsidy which will have to be given from Central Revenue in order to maintain the day-to-day administration of this Province, it might be made clear that, because of that, the Governor should have special powers in that connection—that where he feels that All-India requirements necessitates his taking action independent of the advice of his Ministers there should be no bar to his doing that. Therefore I try to separate the two aspects. In fact Lord Reading separated the two points. I was confining myself at the moment to the black police, irrespective of All-India requirements. In the case of the black police will not the powers here contemplated for all Governors meet the requirements of the North-West Frontier also?

Sir Denys Bray: You realise that you are asking me to visualise a constitution for a Province which hitherto has been autocratically governed. This is far in advance of that put forward by the Government of India—and put forward with some rather grave remarks attached to it.

Sir Bhupendra Nath Mitra: I am not contemplating a constitution far in advance of that proposed by the Government of India. I am simply thinking of the methods by which the Government of India's recommendation can be given practical effect to, and at the same time not imposing on the Province the feeling of stigma. Arising out of that, I am trying to find out whether a solution cannot be reached, firstly by giving to the Governor of this new Province the same powers as have been recommended for other Governors, and dealing specially with All-India questions.

Sir Denys Bray : I am very dull. I should have thought that, with regard to the Frontier Province, the protection of minorities and the safeguarding of the safety and tranquillity of the Province were All-India interests.

Sir Bhupendra Nath Mitra : I divide the matter into two portions, exactly as Lord Reading has done. He first referred to All-India interests, and he then referred to the question of this black Police. As regards the black Police, as I understood the position it was something like this—that black Police might be called upon to intervene in matters which later on, if not properly tackled, might lead to All-India questions. At that stage would the powers here provided be adequate for the purpose or not? It is not an emergency power. It is a power which can be exercised even if there is no emergency. In the other case, as I have said, in view of the large subsidy which the Centre has to make for the purposes of the day-to-day administration, some other safeguard might be introduced. I am referring to the safeguarding of the safety and tranquillity of the Province. I am on that now.

Sir Denys Bray : You will remember that the 6,000 black Police form a large portion of the subvention received from the Government of India.

Sir Bhupendra Nath Mitra : I quite agree.

Sir Denys Bray : If I may make a personal digression, I find myself in rather a curious position. For years I have been an advocate of removing from the Frontier Province the stigma of inferiority. I am a protagonist in favour of giving to the Frontier Province the essentials of the reforms, with safeguards for the better safeguarding of All-India interests. Now I am in the unfortunate position of finding myself asked to contemplate a constitution quite on the lines of an ordinary Province, if I have understood the point, although the Frontier up to now has had none at all. I had hoped that I might have been able to participate in a discussion in which one was trying to frame a constitution which will preserve as much of the essentials of reforms elsewhere, but you are asking me, "Take the constitution of Madras: cannot you carry on?"

Sir Bhupendra Nath Mitra : You have misunderstood me. I am simply trying to find out whether any solution is possible or not. I realise that, apart from the powers of a Governor in a Province like Madras, the Governor of the North-West Frontier Province must be given some special powers, the difference in the two cases being that in the case of a Province like the Frontier the Centre will have to provide a recurring subsidy. Therefore the Centre is largely interested in the All-India aspects of the question. I am trying to find out whether it would not be possible to meet your requirements by giving to the Governor that power which is proposed for all Governors, and in addition giving him additional powers where he feels that this may in the end lead to an All-India complication. You talked, for example, about education of the sons of these tribes, and of providing them with hospital accommodation. I shall add to that also the more troublesome question of police intervention. I divide the matter into two parts, following Lord Reading. It is quite possible that in certain cases this Police question may not end up by becoming an All-India question. In a case of that sort it may simply affect the peace of the Province itself. In that case it seems to me there will be no difficulty in the Governor applying the powers which it is contemplated to give to all Governors. When it becomes a bigger question than that then the Governor will fall back on his special powers because of the large subsidy from Central Revenues. I confess that on certain occasions it may be difficult for him to discriminate between the two powers, and he may have to exercise the powers which have been vested in him as an Agent to the Governor-General in virtue of his receiving this large recurring subsidy.

Lord Zetland : Surely the real answer to all these questions which have been put to Sir Denys Bray is this—that, owing to the somewhat explosive nature of the North-West Frontier you must have a Governor who has his hand much more closely and much more constantly on the pulse of day-to-day administration than is necessary in the case of the other Provinces. In the case of the other Provinces the Governor is to be given special powers, but he is only expected to step in after the patient has developed a fever, if I may use that illustration. In the North-West Frontier Province you want to have your Governor with his hand on the pulse of the patient the whole time so that he can at once be aware if any fever is likely to develop. That, to my mind, is the distinction between the North-West Frontier Province and the other Provinces. That being so, it seems to me to be essential (and if I understood Sir Denys Bray correctly that was in his mind, too) that the Governor should be in daily touch with the administration of the Province. How that daily touch should be maintained is a matter no doubt for consideration. I would presume that the Governor would sit with his Ministers whenever they met as a Cabinet, and obviously, of course, sitting as Chairman of the Cabinet. But I do not want to go into details of that kind. All I want to stress is the point that that seems to me to be the essential difference between the North-West Frontier Province and the other Provinces—that for the present at any rate you must put your Governor in a position in which he is in daily touch with the administration.

Sir A. P. Patro : He should be the executive head.

Lord Zetland : Yes, assisted by his Ministers.

Sir Abdul Qaiyum : Sir Denys, I am very sorry that you should have been put to this cross-examination. You have been away from the arena for over a year now, and you have been cross-examined by your own late Chief who left India five years ago. Both of you had hesitations when you wrote your Report, and which were considered by your present Chief, and those doubts are still lingering in your minds. Under those circumstances I really sympathise with you for having exchanged certain views at certain times irrespective of the Report put before us.

I will merely ask one or two simple questions. When you were speaking of the North-West Frontier Province, and when Lord Reading was cross-examining you, the phrase "North-West Frontier Province" was used. Is there any distinction between the settled districts and the tribal area in that North-West Frontier Province, and do the troubles to which reference was made so often only exist in the tribal area or in the settled districts also; and are the repercussions of one on the other due to their close vicinity? If we take the present administration and study it a little, will not Lord Reading's questions be readily answered when we see that there is a Revenue Commissioner and a Judicial Commissioner for the settled districts, and that the two are working quite separately under the same common head, the Chief Commissioner, that the Chief Commissioner never consults the present Resident in Waziristan, Colonel Griffith, about affairs taking place in Peshawar City; all that he has to consult him about is Mahsud affairs, Waziristan, and the Revenue Commissioner is consulted about matters connected with the settled districts, the two going apart, and the Chief Commissioner, when he becomes a Governor, will be running these two parts of the North-West Frontier Province under some similar system, with regular advance in the settled districts and things remaining as they are in the North-West Frontier Province. Well, if we take this into consideration, then I will just ask you whether you will change the opinion expressed by you in the Report, in which you suggested 60 per cent. elected majority in your proposed Council, working all the transferred subjects by a Minister for those transferred subjects. If in 1922, when the Montagu-Chelmsford Constitution had just started (only a year before), you were prepared within a year to recommend 60 per cent. elected majority with a Minister in charge of all the transferred subjects, do you feel any hesitation now, after what

you have seen with respect to the pronounced determination of those people of the settled districts, to have a share in the advance, as to whether they should go backward ? That is all, I think, Sir.

Sir Denys Bray : I just wished, in advance, to refresh my memory as to what the transferred subjects were going to be. Was Law and Order, or any part of Law and Order, mentioned, Sir Abdul ?

Sir Abdul Qaiyum : Now Law and Order, because Law and Order was not a transferred subject.

Sir Muhammad Shafi : Even in the other Provinces it was not.

Sir Denys Bray : Then I have not this critical subject of Law and Order before me ?

Sir Abdul Qaiyum : Well, let us confine ourselves to this critical question of Law and Order.

The Chairman : Let Sir Denys answer.

Sir Denys Bray : Might I remind Sir Abdul Qaiyum, whose knowledge of the Province is unrivalled, that he chose an extraordinarily bad example when he chose the Resident in Waziristan. He said that the Resident in Waziristan was never consulted by the Chief Commissioner about what was happening in the Peshawar district; but he is, just as he is consulted about what is happening in the Dera Ismail Khan and Bannu districts.

Sir Abdul Qaiyum : That will not injure my case.

Sir Denys Bray : It brings out, surely, what Sir Abdul knows far better than I do—the interlacing of affairs in the districts and the tracts.

Sir Abdul Qaiyum : May I remind you, Sir, that I never suggested the separation or the reversion of the five districts. I am still of the opinion that I expressed before you, that it is better to keep this Province as a separate unit.

Sir Denys Bray : You are putting it so far as I am concerned as I should like to put it. You visualise the Chief Commissioner running these two parts hereafter, with regular advance in the districts and matters in the trans-frontier very much as before; and that is the whole point. I myself want to see the Chief Commissioner running the two parts, with great help from the districts, and with the trans-frontier remaining more or less as it is.

Sir Abdul Qaiyum : Can anybody suggest anything for the Chief Commissioner with respect to extra-ordinary powers ? I mean, can any other member, if he has any doubts that the Chief Commissioner should possess any extraordinary powers in view of the so-called extraordinary conditions prevailing in the settled districts of the North-West Frontier Province, which will not be met by the provisions just mentioned, suggest anything else ?

Chairman : Had not you better be content with the reply Sir Denys Bray has given to you ?

Sir Abdul Qaiyum : Yes; thank you, Sir.

Sir Samuel Hoare : I have got one or two questions, Sir Denys. The point I am still doubtful about is this, the point that is in doubt in all our minds, the point of Law and Order, and you, both in your Report and in what you have said to-day, emphasise the fact that frontier questions cannot be partitioned into watertight compartments, and I gather from you that your suggested solution is that the Commissioner, to be called Governor or Lieutenant-Governor, would preside over his Council of two Ministers and would be acting in two capacities, one as agent of the Viceroy for the unsettled tracts, the other as Governor with more or less constitutional powers. A system like that seems to me to depend very much on personalities. I can quite imagine that with the High Commissioner who is there now, and Sir Abdul Qaiyum, there would be no difficulty at all; but I still have doubts in my mind how that is going to work as a permanent arrangement. It does seem to me that what has come out over and over again in our discussions is that even taking the black police you cannot dissociate the black police from the gendarmerie, you cannot dissociate the gendarmerie from the other frontier forces of various kinds, and I am afraid that, even after what you have told us this morning, I am still doubtful how that is going to work as a permanent system. Is it possible for you to give us any further information upon that subject ? For instance, when you had your inquiry, I know four or five years ago, but at the same time a great deal of it is still relevant to the present position, did you have police evidence on questions of this kind ?

Sir Denys Bray : The answer to that is No, because, as Sir Abdul has reminded us, we were not then concerned with the possibility of transferring Law and Order; but I would again remind you, Sir Samuel, that actually at the present moment the black police and the white police or gendarmerie or frontier constabulary are dissociated. One is run by the head policeman, and the other is run by the Commandant of the constabulary.

Sir Abdul Qaiyum : That is the point.

Sir Samuel Hoare : It is not my point at all, Sir Abdul. My point is that one really has the same capacity over both.

Sir Denys Bray : That, of course, is so; but under Sir Abdul's scheme, with the Chief Commissioner running both parts of the Province, that would remain so.

Sir Samuel Hoare : Yes; but how much would the Chief Commissioner, in actual practice, really be running both parts with the kind of Ministry that you and the Government of India have suggested ? If he is running it from day to day, I quite admit that a great deal of my difficulty goes from my mind; but is that really possible, that he is going to run it as he is running it now ?

Sir Denys Bray : Again it is a case of balancing considerations, and it is also a case of not over-emphasising one aspect. If one over-emphasises one aspect you get a difference in kind. I myself feel—I really have very little doubt about this particular subject—it is quite clear, for instance, that certain aspects of the black police one might remove from the category of doubt. Sir Abdul Qaiyum was saying it in his very reasonable way yesterday; he was mentioning, for instance, the investigation staff. This might conceivably help one. It might be worth while for the people on the Frontier of India to consider whether they could remove from the category of doubt other portions of the police. For instance, you have got men in the city doing ordinary police work. You have got them out in the districts doing more armed police work. As it so happens, in the North-West Frontier Province, all the police are armed. In the other parts of India you have got armed police and you have got ordinary police, and it is quite possible that you might, if one wants to differentiate in the Black Police itself, remove another body of policemen, or remove them with any luck from what I call the trans-frontier repercussions so that one need not consider them as doubtful for your purpose. I believe myself that, provided the Chief Commissioner remains, as I say, the controlling authority, there is no real danger in handing over the Black Police to a minister, given—and this remains my proviso—the Governor as part of the Cabinet.

Sir Samuel Hoare : And have you thought at all how you would retain the controlling authority for the Governor ? Would you do it by statute ? Would you do it by instructions ? How would you do it ?

Sir Denys Bray : That leads me into areas where I should be timorous of treading. I would only, as regards this, emphasise very strongly what Sir Abdul Qaiyum has said, that you must make it sound well; you must make the constitution look well. I mean, we owe it to these people if we remember that had they remained part of the Punjab they would have had reforms like everybody else.

Lord Lothian : I cannot help thinking this way. If you have any measure of responsibility, even for any part of law and order, it does mean that the interests of the minister are running parallel with those of the Governor. You must not think of it as if they would be in opposition to each other. Provided it is perfectly clear that the executive head, the Governor, whenever he finds a situation which transcends merely local law and order, can say "I then have power to intervene and take control of it," it seems to me that you will have a better system of law and order, and a better way of working it, than if you maintain in the Province a situation in which the local people have no responsibility for law and order and therefore are tending to work in opposition to the administration instead of in co-operation. Would you agree with that ?

Sir Denys Bray : Yes, I agree more or less with that.

Sir Samuel Hoare : I am afraid if I made an answer to that I would say "You have got to assume that organisations of this kind do not always work well," but I have got another point or two. Your report, Sir Denys, differs somewhat, no doubt owing to the date at which it was made, from the Report of the Government of India, and I want to ask you about one or two of the differences, and whether you attach importance to them. You suggest, for instance, one minister, not two, and you suggested that, if you remember, on the ground of economy. Do you still hold the view that one minister would be sufficient ?

Sir Denys Bray : I think the Report visualised, did it not, a Member and a Minister ? You see, we have got into a different region now.

Sir Samuel Hoare : Yes, I see. Then with the Legislature do you take the view of the Government of India that it would be possible to have direct election for the Legislature, anyhow to some extent ?

Sir Denys Bray : I do. They have introduced it in the critical place of Peshawar, and I see no reason why elections to the District or municipality should be any easier than election to the Council.

Sir Samuel Hoare : How far, in actual practice—perhaps Sir Abdul can answer this if you cannot—has direct election worked in Peshawar ? My only knowledge of it is the rather unfortunate instance of it mentioned in the Simon Report. What has happened since then ?

Sir Denys Bray : Though the incident occurred when I was still Foreign Secretary, it was not grave enough to be reported to the Government of India.

Sir Samuel Hoare : It is a very damning instance all the same, if I may say so.

Sir Abdul Qaiyum : Perhaps I could add this one word on this subject. In this place one year after the visit of the Simon Commission, with no enquiry before them, this is quoted simply from some telegram that we might receive . . .

Chairman : Yes ; but you told us that yesterday !

Sir Abdul Qaiyum : Lord Reading has just gone, but I should like to make one point to two gentlemen who are still here. Do you think, Lord Zetland, that we shall be worse with ministers in charge of law and order than with what you have got in Bengal now and in the Punjab and in various other places, and shall we have less sense of responsibility if we shall ourselves have to suffer on that account ?

Lord Zetland : No, Sir Abdul Qaiyum, I do not.

Chairman : Just a moment ; we cannot have these dialogues across the table in this way, and we cannot have Sir Abdul's long statement brought out in chapters on the second occasion. I want Sir Samuel Hoare to finish his questions to Sir Denys Bray.

Sir Samuel Hoare : I shall not be a minute, but it was really on this point of election. I wish Sir Abdul to be satisfied about it, but the only instance that has been brought to our knowledge of direct election being tried is the instance quoted in the Simon Commission Report. Well, now, had there been subsequent elections in Peshawar to that election.

Sir Abdul Qaiyum : The election referred to in the Simon Report took place years afterwards, and what is the unsatisfactory part of it ? It is that good, educated, high-class barristers and pleaders were elected and not barbers and sweepers and street sellers as in other provinces.

Lord Zetland : To clear my own position, may I answer what Sir Abdul Qaiyum said to me ? I can answer it in half a dozen sentences. My answer is : No, I do not. I am arguing in your favour. I want to see the civil police transferred, and I am quite prepared to see that done, provided the Governor is allowed to have his hand on the pulse of the administration, so that he may be in constant touch with what is going on.

Sir Abdul Qaiyum : I hope that will happen for the whole of India. The whole of India requires it.

Chairman : That is the work of another Committee, Sir Abdul.

Sir Samuel Hoare : Mr. Chairman, I will not press this point of the election further, but I have not had any answer to my question.

Sir Denys Bray : I am sorry.

Sir Samuel Hoare : I am not suggesting that Sir Denys could have answered it ; but the only instance we have apparently is an instance of a breakdown of the election in Peshawar.

Dr. Shafa'at Ahmad Khan : I want to put one question.

Chairman : Is this a question to Sir Denys Bray ?

Dr. Shafa'at Ahmad Khan : Yes. Do not you think the question of the transfer of police would be greatly simplified if we adopted the suggestion that the questions of recruitment, transfer and posting of police officers should be under the control of the Inspector-General of Police ? If this proposal is considered and accepted by the Services sub-Committee, do you not think the question of the transfer of civil police would be greatly simplified ?

Sir Denys Bray : It certainly would be simplified.

Chairman : Now have you finished, Sir Samuel ?

Sir Samuel Hoare : I am finished, but not altogether convinced.

Chairman : Have you settled your problem with Sir Abdul, Lord Zetland ?

Lord Zetland : I think so ; I think I have convinced him that I am on his side.

Chairman : That is something gained.

Sir B. N. Mitra : May I ask Sir Abdul if he has any objection to Lord Zetland's proposal, which seems to me to be quite a good one, for a Province like this. That is that the Governor should preside at meetings of the Executive Council, and therefore should remain in touch with the day to day administration of the Province.

Sir M. Shafi : You mean the Ministry ?

Sir B. N. Mitra : Yes, the Ministry.

Sir Abdul Qaiyum : Those are details, and I am not a constitutional lawyer.

Sir B. N. Mitra : I quite appreciate your point, that it will not appear in the constitution ; otherwise the people will think they are being treated as inferior to people in other Provinces. But it might be dealt with in another way.

Sir M. Shafi : I would earnestly request the members of the Committee not to be too much influenced by hearing of incidents happening on the

Frontier, and so on, I want to give you one illustration. Yesterday I mentioned that Sir William Vincent and I went on tour. When we were going from Kohat, had passed a certain point and had reached Dera Ismail Khan, news was received that a raid had been committed on the road, that a motor car following us had been stopped by the raiders, that four or five men riding in the motor were captured by the trans-border people and carried away. The inference was that the raid was really intended for Sir William Vincent and myself, two Members of Council, but having missed us, they captured those people.

Sir Abdul Qaiyum : Only ransom we want.

Sir M. Shafi : Just one moment. It is an interesting fact. That night Major Handyside left us and the police followed the raiders; but they were not able to capture the raiders. When we came back a week later, we received news that the persons who had been carried away had been restored—I suppose after payment of ransom. Now what I am going to tell you will amuse you; it opened my eyes, not then, but afterwards. Five years after this incident, when I had left the Government of India, my son Mauhmad Rafi went to Bahawalpur on a case. When he was returning from there, and was at the station where the people from Dera Ismail Khan get into the train—I forget the name of the station—two or three military officers, young fellows from the Frontier got into the same compartment where my son was. My son on arriving at Lahore mentioned this incident to me. He said they entered into conversation with each other, and, when they came to know that Rafi was my son, they laughed, and they said to him: "Do you remember that raid that took place when your father was on the Frontier, which was supposed to have been intended for him?" Rafi said: "Yes, I remember." My son said to me: "Do you know what they said, these officers from the Frontier?" "It was all planned in order to bring home to your father the necessity of the forward movement."

(It was resolved that it was unnecessary to hear more expert evidence and that the Chairman should draw up a draft Report to form the basis of future discussion.)

(The sub-Committee rose at 1.5 p.m.)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. V (NORTH WEST FRONTIER PROVINCE) HELD ON 1ST JANUARY, 1931.

The sub-Committee proceeded to discuss the following draft Report, paragraph by paragraph.

Tentative Draft Report prepared to serve as a basis of discussion in sub-Committee No. V (North West Frontier Province).

1. Sub-Committee No. V submits the following Report subject to adjustment to the complete constitution.

2. The terms of reference to the sub-Committee are to consider "what modifications, if any, are to be made in the general provincial constitution to suit the special circumstances of the North-West Frontier Province."

3. The sub-Committee comprises the following members—Mr. A. Henderson (Chairman); Lord Russell, Lord Reading, Lord Lothian, Lord Zetland, Sir Samuel Hoare, Maulana Muhammad Ali, Sir Shah Nawaz Bhutto, Captain Raja Sher Muhammad Khan, Dr. Moonje, Sir B. N. Mitra, Raja Narendra Nath, Mr. H. P. Mody, Sir A. P. Patro, Nawab Sir Abdul Qaiyum Khan, Sir Muhammad Shafi, Sardar Sampuran Singh, Dr. Shafa'at Ahmad Khan, Mr. C. E. Wood and Mr. Zafrullah Khan. It held meetings on the 18th and 30th December, 1930, and on the 1st January, 1931.

4. *The Need for Reform.*—The sub-Committee is unanimous in attaching urgent importance to the need for reform in the North-West Frontier Province. It recommends that the five administered districts should cease to be as they are at present a centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's Province, subject to such adjustment of detail as local circumstances require, and the extent of the All-India interests in the Province necessitate.

5. *The Classification of Provincial Subjects.*—The sub-Committee recommends that, as in the other Governor's Provinces, there should be a classification of provincial subjects entrusted to the charge of the provincial government. The precise discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation in detail, if necessary, by a specially constituted *ad hoc* committee. Subject to the findings of such a committee, the sub-committee contemplates that the charge of the ordinary civil police in the five administered districts excluding the frontier constabulary will pass to the provincial government of these districts, but in view in particular of the close relation of the Province with matters of defence and foreign policy the sub-Committee considers it essential that all matters of All-India importance and all matters connected with the control of the tribal tracts for instance the frontier constabulary, frontier remittances and allowances, and strategic roads (these subjects being mentioned as examples only) should be excluded from the purview of the provincial government and classed as central subjects.

6. *The Executive.*—The sub-Committee recommends that the Executive should consist of the Governor, assisted by two ministers, of whom one should be an official. The Governor should also function as Agent to the Governor-General for the control of the tribal tracts, and the administration of central subjects peculiar to the North-West Frontier Province. With these subjects, since they will be not provincial but central subjects, the ministers will have no concern. The sub-Committee considers it essential—owing to the close inter-relation between the trans-border tracts and the settled districts and in order that All-India interests may be adequately secured—that in addition to possessing all the powers vested in the Governor of a Governor's Province, the Governor of the North-West Frontier Province should be the effective head of the Provincial administration and preside over the meetings of his own Cabinet.

7. *The Legislature.*—(i) A unicameral legislative Council. The sub-Committee recommends that there should be set up for the five administered districts a single-chamber legislative Council with power to pass legislation and vote supply in regard to all subjects that may be classed as provincial. In addition the legislature should possess the usual powers of deliberation and of interpellation.

(ii) Its size. The size of the legislature should be suited to the convenience of the constituencies. The sub-Committee contemplate a legislative council with a probable total membership, elected and nominated, of not more than 40 members.

(iii) Its composition. The sub-Committee considers that the legislature should be composed both of elected and of nominated elements. The nominated members should not exceed 49 per cent. of the whole house; and of the nominated members not more than 6 to 8 should be officials.

(iv) The franchise. The sub-Committee suggests that the franchise in the North-West Frontier Province should be examined by a special Franchise Committee with instructions to ascertain the extent of local feeling in favour of direct election. If there are difficulties in the way of a direct franchise for all constituencies, a solution might be found in a combination of the direct and indirect systems.

(v) Minority representation. Subject to such recommendations as the Minorities sub-Committee may make, this sub-Committee considers that if Muslims are given weightage in provinces where they are in a minority, the Hindus and Sikhs in the North-West Frontier Province should be given weightage in the legislature of that province. Their representation might be double the figure to which they would be entitled on a population basis.

8. *The Financial Settlement.* The sub-Committee is satisfied from figures placed before it that on subjects which may be expected to be classed as provincial, the province will show a large financial deficit. It follows that the provincial government will require financial assistance from central revenues. The terms of the financial settlement will require very careful consideration. The sub-Committee suggests that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. The sub-Committee apprehends that if the subvention be open to debate annually in the central legislature, the substance of provincial autonomy in the North-West Frontier Province may be impaired. It suggests that the difficulty might be met by an agreed convention that each financial assignment should run undisturbed for a period of years.

St. James's Palace, London.
December 31st, 1930.

DISCUSSION.

The Chairman: The draft Report has been circulated, and we will now proceed to consider it. I will assume that the members of the sub-Committee have read the Report, and so I will merely call the paragraphs, and unless some member desires to call attention to any point I shall assume that the paragraph is accepted. I think we can go straight to paragraph 4, the need for reform. Are there any remarks on paragraph 4?

Paragraph 5 deals with the classification of provincial subjects. Are there any remarks on paragraph 5?

Sir Abdul Qaiyum: Yes, I should like to make a few general remarks. I have read the Report very carefully and as far as my limited intelligence goes, I have studied it and tried to understand it. To me it is a great disappointment. For the first time in my life I see that I have failed to prove the position of the North-West Frontier Province with regard to its need for a proper constitution in a committee or assembly or general meeting of any kind. My disappointment is very great, more particularly because this is the last tribunal which will have to deal with this subject. If I had failed in Peshawar it would not have mattered much; if I had failed in Delhi it would have mattered perhaps less; but if I fail to prove my case at St. James's Palace my case is lost. I should therefore like, if I may, to make one last attempt to make it clear that we want equal status and equal rights of citizenship with the rest of India. That is the main thing we want. As has been repeated more than once, we want to remove this stigma of inferiority from ourselves. Nothing in this world will convince me we are inferior in any way to any other people in India, but I see that I have failed to prove that; hence my great disappointment.

We are worse off now with this Report than we were with the Report of the Simon Commission and than we at present are. Our Province is at present run despotically without any laws and regulations, but in future we shall be under a more despotic rule supported by a constitution. That is my difficulty, and I feel it very much. I honestly tell you that if it had been possible for me to take any action which would relieve me from this life long worry and trouble I should adopt it, but, while there is a way out, it is not open to me according to my religion and my beliefs.

Only one thing would give me satisfaction, and that is if I do not get the satisfaction of having a proper constitution for the North-West Frontier Province I may at least have the opportunity of making a final attempt to show my position. We came here hoping for something better than this and hoping for something better than the local Chief Commissioner, a very conservative man, and the Government of India, less conservative but at the same time quite conservative, had recommended, and they had recommended certain things in our favour.

Here we are given a Report, paragraph 6 of which, and particularly the last sentence of that paragraph, makes it entirely intolerable to accept a constitution with that power vested in the Government of the Province. The effect of that is to take back all that is given. I think I can see the object of these suggestions. A council is needed in the Province in order to relieve the Central Government from the worry of interventions, interpolations, questions and resolutions from day to day at the Centre on matters connected with the North-West Frontier. It seems to me it is with that object that a council such as this is proposed. We shall lose the right of getting some member of the Central Legislature to put a question for us at the centre. If any question is raised about the iniquities of local administration on the Frontier it will not be able to be dealt with at the Centre; it will be said that it is a local matter and had better go to the local council.

What will be that local council? It is said that there will be a bare majority of one person, of one elected member. Our people may not be very regular in their attendance, and if one of them goes to the bathroom, as they call it, the majority may be lost. There are many stratagems which may be employed. Some one may ask a man to lunch purposely, and he may be lunching in an adjoining room when the vote is being taken.

But whether there is a majority or not, there will be people elected, and it may be that from among those who are elected a man will be chosen as a minister. It is not stated here that he will be an elected member; he may be a nominated member. At any rate, one man will be taken as a minister, and he will have a colleague who will be, perhaps, his own Revenue Commissioner or Judicial Commissioner, and who will therefore be controlling his mother, his father, and his family. He will have such a man as a colleague, and the two of them will be under the Governor. The powers of the Governor will be increased; he will not be always looking with fear to the Centre, fearing to be overruled by the Viceroy; he will be a Governor now, and that Governor will sit in a small Cabinet with these two people. Well, I can see what the result will be.

Chairman: Did you not want a Governor?

Sir Abdul Qaiyum: Yes, but we wanted a constitutional Governor, Sir, not a despotic Governor who will control his Cabinet; I did not ask for that. I

thought we should have a constitutional Governor, who would always, of course, be consulted by his ministers and would have a right to give an opinion; and when there was fear of wrong being done to minorities or fear of trans-border trouble, we are all agreed the Governor should have absolute power to deal with such matters. But this arrangement which is here proposed will be worse than dyarchy. Under dyarchy a minister was entrusted with certain subjects and, except for the money part of it, he was fairly free. It was difficult for him to get money for his subjects under the system of dyarchy, but in other respects his powers were all right. But now appointments will be a matter for the Public Services Commission, and nothing will be left with that minister except some little charcoal to blacken his face before the Council.

Lord Reading: Why do you say that, Sir Abdul? He will be a minister and will have charge of certain subjects, and he will be responsible to the Legislature with the rest of the Government, and of course the whole object of the Government will be to work in accordance with the views of the Legislature and not against them. That follows from the mere fact that you have a constitution.

Sir Abdul Qaiyum: If that is what is meant, then the powers of the Governor may be just the same as in the other Provinces. I could understand that, but here it is said that the Governor will be the effective head of the Provincial administration and will preside at the meetings of his own cabinet. No one can over-rule his own president, by whom he is appointed. It will not be the council who will appoint the ministers in this case.

I said I would not speak at any great length, and I shall not do so. You have a saying in your language about asking for bread and being given a stone, but we have got a still better proverb and it is this. A wife went to her husband to ask for some ornament for her nose, and he cut off her nose. That is what is going to happen to us.

Lord Russell: Why do you say he will have less power than the ministers in other Provinces?

Sir Abdul Qaiyum: Simply because he will be one of a cabinet of three, and will be subject to the will of his president, his Governor, who can hang him if he likes, because it is laid down here that the Governor alone shall deal with All-India matters, and anything can be interpreted as an All-India matter. The council will have nothing to say as to what matters and what subjects shall be declared All-India, and what subjects shall be declared local. It will be just like the present Frontier Crimes Regulation; it will be worked in the same way. There is a sentence in that that where it is expedient the Deputy Commissioner may refer a case to the Council of Elders. Now, what is being done in practice about this at the present time? "Expediency" has been extended to include weakness in evidence. Where a case is weak and cannot be proved by the police by evidence, and the police and the judiciary are unable to prove the guilt of a person, he is handed over to a tribunal under that provision about expediency, although I should have thought expediency meant anything except weakness in a case, where, according to British law, the advantage goes to the accused.

Sir M. Shafi: If as a constitutional lawyer I may be permitted to answer Lord Russell's question, what I would say is this. A Governor acting on the advice of his Ministers is perfectly compatible with the responsibility of the Ministers to the Legislative Council, but to say that a Governor shall be assisted by Ministers, and at the same time to have a provision that the Governor shall be the effective head of the Government, is entirely inconsistent with the responsibility of the Ministers to the Legislature.

Chairman: Are not we beginning to discuss this report in the wrong way? I allowed Sir Abdul Qaiyum to go on, but are we to assume in his speech that the Report must not be given a second reading? I could understand it if when we got to the particular paragraph to which he has called attention he pointed out his objection, and tried to persuade this sub-Committee to alter it, but we had to put something before the sub-Committee in order to concentrate our discussions. I called para. 4; no remarks were made, and we passed on. I called para. 5, and now we get a general statement which has very little relationship, so far as I can see, to para. 5.

Sir Samuel Hoare: It seems really to relate to para. 6.

Chairman: If we are agreed about para. 5, we can pass to para. 6 and then attempt can be made to amend the draft, and the draft can be amended if that is the desire of the majority of the members of the sub-Committee.

Sir Abdul Qaiyum: May I just say one word to the Committee? I found this Report somewhat surprising last night. It came to me, and I must tell you that I had no sleep last night because of this. I thought that we had discussed the matter, and that this Report was going to be somewhat based, if not entirely, on the sense of the House as the result of our deliberations.

Chairman: And I claim that it is.

Sir Abdul Qaiyum: Yes, Sir; but so much importance is given to a solitary remark passed by Lord Reading in his cross-examination of Sir Denys Bray that the whole thing revolves on that point. Neither Lord Reading nor Sir Denys Bray, with all his experience of the Frontier, has been able to trace a single subject which within the five settled districts could still be called a matter of All-India interest except that the Province itself is of All-India interest. That, I admit, that the province is of All-India interest; but the Chief Commissioner, with his scrutiny and great energy, could not find more than constabulary, frontier remissions and strategical roads. These things he could quote—constabulary, settled; frontier remissions, no objection; strategical roads—well, even the Viceroy does not attach much importance in his Report to the strategical roads. He says the supervision may be relaxed. There is the relaxation from the Viceroy about these three things. Now, what do we say in this Report?

Lord Russell: Hospitals and schools?

Sir Abdul Qaiyum: Well, they are in the trans-border area. That is what you mean. Part of the hospitals and schools are in the trans-border areas, and nobody is going to touch them. Similarly with irrigation in the trans-border; and then when it comes to the finances I shall be able to prove to you that the calculation is wrong.

Raja Sher Muhammad Khan: Would you take the lines that you object to in paragraph 5, Sir Abdul? Will you do it line by line?

Chairman: That is what I am asking for.

Sir Abdul Qaiyum: Yes.

Raja Sher Muhammad Khan: Please tell us which line you really object to.

Sir Abdul Qaiyum: "In detail" and "ad hoc." I know it is only for want of knowledge that I cannot follow the words "ad hoc."

Sir Samuel Hoare: By a Committee specially constituted for the purpose.

Sir Abdul Qaiyum: Well my reading would be something like this. Omit the words "in detail," so that it would read: ". . . discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation." I do not think "in detail" is necessary. Then it goes on: "if necessary, by a specially constituted committee." Those are very important words, "ad hoc committee" and "in detail." That is one omission which I request.

Sir Samuel Hoare : Shall we take that one first ?

Sir Abdul Qaiyum : These are the only two omissions I require.

Chairman : You want to omit the words " in detail ? "

Sir Abdul Qaiyum : " In detail " and " ad hoc." Well, that will not affect at all the object of the paragraph.

Chairman : Sir Samuel Hoare has explained what that means. It means a Committee set up for the specific purpose.

Sir Samuel Hoare : If Sir Abdul objects to ' in detail " I have no view one way or the other. Omit it at once.

Chairman : We all agree to omit the words " in detail," and the Chairman does not agree because he thinks he has taken something from you, Sir Abdul ; but if the Committee accepts it I accept it. These words were put in to show that it was the details of the thing that we are going to send to a committee, and not the principle ; and if you judge the whole Report in the same way that you judge this point, I do not wonder at the speech you have delivered. However, it is agreed that the words " in detail " come out.

Lord Reading : If you want them out.

Sir Abdul Qaiyum : Thank you very much, Sir. There is the lack of constitutional knowledge which perhaps stands in my way.

Mr. Mody : What I feel about this particular sentence is that it leaves the door wide open for enlarging the sphere of Central subjects, and therefore, since we are all agreed that it is only in certain very special circumstances that the Provincial Cabinet and the Provincial Governor will not have the same powers as obtain in the other Provinces, I think it would be necessary to safeguard that position by making it clear that any departure from the provision which obtains in other Provinces between Central and Provincial subjects will not be made except for very special reasons.

Sir Samuel Hoare : I hope very much that we shall leave these words. Having met Sir Abdul over the words " in detail " and, if necessary, over the point " ad hoc," I hope we shall leave it as it is. My difficulty is this. I want to go as far as ever we can with the North West Frontier Province, but I see the difficulties, and taking my own point of view I would find it very difficult to go further at this present stage, because there has been no detailed investigation of this kind. If there is going to be an investigation, of this kind, then I am prepared to agree to this paragraph ; but I do regard this investigation of the details as quite essential for this reason. In principle I have got no objection whatever to the " black police " going over to the civil authority, but not having heard the details here I want to be satisfied that some expert committee is going to work those details out, and on that account I attach great importance to these words being left very much as they are, and to this Committee being formed. The Committee, as the Chairman has said, will not interfere with the general principle upon which we are agreed, but the committee will settle the details, without which the new constitution will not work.

Dr. Shafa'at Ahmad Khan : You see, the point which exercises us is this, that we may adhere to the reservation of certain subjects as central subjects, but if this is referred again to a committee the scope of those subjects may be so wide that whatever we do here may be be useless. If you empower your *ad hoc* committee to such an extent, then our fight here will have been in vain.

Sir Samuel Hoare : It means really that if we cannot accept a Committee of this kind I should then have to put in quite a definite reservation saying that I did not think that here we had had sufficient evidence, expert or other, to justify me giving in an opinion one way or the other.

Lord Reading : I cannot help thinking, if you will forgive me for saying so, that there is quite an unwarranted distrust of the findings as they are put here, with the notion that they may imply something a good deal more. I quite understand Sir Abdul Qaiyum's point about the Governor, which when we come to it we shall have to discuss. That, of course, is a definite point which he raises, on which there may be differences of opinion ; but I would like to say to him myself how I read the draft. I thought that the draft had tried carefully to preserve what we had in mind, which was to say in two or three sentences that we wish to remove in every possible way, all of us, any stigma of inferiority. I thought that we were doing that, and making the reservation of the All-India subjects was what was essentially necessary, not for one second because of any notion that the inhabitants of the North-West Frontier Province are inferior in intelligence or in any way in status to those of any other province, but simply because of the geographical position of the Frontier Province, and of the difficulties which we discussed the last time, and which nobody knows better than Sir Abdul Qaiyum do recur frequently in the Province, and the consequence of that, the introduction of the All-India subjects, is to give them, if that does arise, the right in somebody to determine whether it is an All-India subject or not, and I cannot for myself conceive that you can leave that to anybody else except the Governor. You will have to do that whenever you come to questions of that kind, but you must not assume that the Governor is going to make some ruling which is unfair and unjust. I should have thought, in the other way, you would assume when you have got a constitution of this kind that the Governor could only take particular action if the subject matter really covered an All-India subject, in which case, for the benefit of all India, he has to exercise a right which he would not require to exercise in another Province, because they have not the same difficulties in another Province ; and the whole essence of this, as I read it, I confess—I have not had any discussion about it, because I was not able to be present at the last part of the previous meeting—the whole point of it, as it seemed to me, was that this was carefully devised to put the North-West Frontier Province on the same footing as any other Province, subject always to the special conditions which we all agree do apply and must apply still in the five administered districts, but limiting them to All-India subjects. I am reserving the point about the Governor. I know your point very well there, and we will deal with that when it comes up ; but I do think, really, that Sir Abdul is unnecessarily anxious about this point. I read those words " in detail " in a certain way, but I certainly would not spend two minutes over them if Sir Abdul wants them out.

Sir Muhammad Shafi : And apart from the first words they are not very important.

Lord Reading : I am only just telling you how I read it ; but putting in the words " in detail " was for the purpose of enabling them to consider things, but reserving the question of principle, which is settled here ; but it is not worth spending a moment over, because they were introduced for you, Sir Abdul, and if you do not want them and dislike them, I am quite sure the Chairman and all of us will agree to strike them out.

Sir Abdul Qaiyum : Sir, but I am getting tired of these Committees. I do not like them, and I wish there could be an end to these Committees. A Bray Committee comes, and afterwards a Simon Commission comes, and then a Finance Committee, and then a Franchise Committee comes, and then a Birdwood Committee comes, and then somebody else comes ; and I cannot send any messages to those people who are anxiously awaiting what is going to be their fate. They did tell me, " It is no use going there ; you will come back with half-a-dozen more committees."

Sir Samuel Hoare : But, Sir Abdul, you do really go back, I should have thought, with a very big thing : you go back with a Governor's Province.

Sir Abdul Qaiyum : I do not mind the word "Governor." It means a more despotic Governor than the Commissioner.

Chairman : Sir Abdul, we must keep to the point. We shall never finish if we go on at this rate. You say you cannot send any message to your people. This Committee has already passed a clause in which it says it recommends that the five administered districts should cease to be, as they are at present, a Centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's Province. You yourself object to our calling him a Lieutenant-Governor, and we have actually met you on that point. It seems to me that we cannot satisfy you whatever we do ; and what is more you challenge the Report. The Report is based upon the discussion, and where I had not guidance from the discussion I have taken the Government of India Despatch, and on this very point that we are discussing, what does it say ? "Instead of remaining a Centrally administered area under the direct control of the Governor-General in Council it is proposed to devolve authority upon the Provincial administration with a classification of subjects into central and provincial, following broadly the lines of the classification in other Provinces" ; and we have made provision for that to be done, and that is all that we have done, only the language is different.

Sir Muhammad Shafi : I personally feel no difficulty whatever as regards the words "in detail" and "ad hoc." I have no objection to the inclusion of these words in the paragraph. My difficulty lies in this, that you practically give express directions to this Committee with regard to what is not to be included in the list of Provincial subjects.

Chairman : This is your Report. This is a draft for you to discuss, and I am trying to get it right.

Sir Muhammad Shafi : Please do not take the word "you" to mean you personally, Sir. What I mean is that the draft Report gives an express direction to this Committee as to what matters are not to be included in the list of Provincial subjects, but does not lay down any principle such as is there in the Government of India Despatch which you were pleased to read to us just now.

Chairman : Then move where you want these words put in.

Sir Muhammad Shafi : That is why I intervened in the discussion carried on by my learned friend. I have no objection to "in detail" and "ad hoc" remaining. What I say is this, that a direction should also be incorporated here introducing those words, that the list of Provincial subjects shall, as far as possible, be on the lines of the Provincial subjects in the other Provinces.

Lord Lothian : At the end of line 3, you want to introduce the words you have just read ?

Sir Samuel Hoare : Where exactly does it come ?

Chairman : With the classification of subjects, page 76 of the Government of India Despatch, "following broadly the lines of the classification in other provinces."

Sir Samuel Hoare : As far as possible on the lines of the other classification.

Dr. Shafa'at Ahmad Khan : In the Report of the Committee the subjects are mentioned here, the constabulary, frontier remittances and allowances and strategic roads, and the Government of India Despatch says, on this point, at pages 76 and 77, where they mention, beginning at the last line of page 76, all these subjects, and they add this at line 6 on page 77 : "We think it probable that on further examination these (subjects) should be classed as provincial". So the Committee should also be instructed to see that these subjects should be classed as provincial. The fact that we class them here should not completely tie the hands of the Committee and compel it to class them as central subjects.

Lord Reading : First of all there is an amendment that we should like to have before us which Sir Muhammad Shafi is proposing, and that would be, what ? You would want to introduce what words were ?

Chairman : "Following broadly the lines of the classification in other provinces".

Sir Muhammad Shafi : I would introduce those words here : "excluding the frontier constabulary, will pass to the provincial government of these districts". Then I would have a full stop. Then I would begin the next sentence with the words of the Government of India Despatch, "Broadly speaking," and so on, and then make any reservation that you like following after that.

Lord Reading : You do not object to the subsequent exception which is made with regard to All-India subjects ?

Sir M. Shafi : I have not come to that yet.

Lord Reading : It is important.

Sir M. Shafi : I quite agree. As regards that I have only some slight alteration to suggest. I would begin by saying broadly speaking that would be the principle but with the following reservations. The construction of the sentence should be like that ; broadly speaking so and so but, in view of so and so the following things should be ———

Chairman : Where do you want to insert those words ?

Sir M. Shafi : "government of these districts." There should be a full stop after that.

Lord Reading : Yes, you will get it with the exception following. That is better I think.

Sir Samuel Hoare : Just give us your words.

Sir M. Shafi : The very words of the Government of India Despatch.

Sir Samuel Hoare : Will someone read out the words.

Chairman : Following broadly the lines of the classification in other Provinces.

Sir M. Shafi : Yes.

Sir Samuel Hoare : It would have to be run rather differently.

Sir M. Shafi : "The list of Provincial subjects should follow broadly the line."

Chairman : "in other Provinces." You had better take the actual words.

Lord Zetland : "Subject to the findings of such a Committee, the sub-Committee contemplates that the classification will follow broadly the lines"—what is it ?

Chairman : "The classification in other subjects."

Lord Zetland : And "that the charge of the ordinary civil police in the five administered districts excluding the Frontier Constabulary will pass to the Provincial Government of these districts." Then have a full stop there ; and then you go on with the exception : but in view ———

Sir M. Shafi : Yes.

Lord Zetland : I think your words would come in better after the word "contemplates."

Sir M. Shafi : Yes, I think Lord Zetland's suggestion is better.

Chairman : Is there any exception taken to this ?

Sir B. N. Mitra : But does that meet Sir Muhammad's point, because then you qualify by the words : "subject to the findings of such a Committee." As the words stand the Committee would be empowered to modify the general principle.

Sir M. Shafi : Yes.

Sir B. N. Mitra : I think that should come before that, because that will be a general direction to the Committee.

Sir M. Shafi : Yes, that should come before that.

Sir B. N. Mitra : I think it should come in at the end of paragraph 4.

Chairman : I think it should come in at the end of the third line.

Lord Reading : Should it not come in after the words "The precise discrimination of subjects between the Centre and the North West Frontier Province will require careful investigation in detail, if necessary, by a specially constituted *ad hoc* committee."

Sir M. Shafi : And here the general principle should follow.

Lord Reading : Yes.

Chairman : "Following broadly the lines of the classification in other Provinces."

Lord Reading : Yes, that will do what you want.

Sir M. Shafi : That is where it should come.

Chairman : That these words be there inserted ?

Members : Yes.

Chairman : There is no exception ? Then that is agreed. Is there any other point with regard to this paragraph 5 ?

Dr. Shafa'at Ahmad Khan : Yes ; I wanted to raise this point. The instance is quoted of several subjects which are regarded as being connected with Tribal tracts : "The Frontier constabulary, Frontier remittances and allowances, and strategic roads." It is taken for granted that they are matters concerned exclusively with tribal tracts. The Despatch of the Government of India at page 77, 6 lines from the top of the page, says : "We think it probable that on further examination these should be classed as Provincial." They mention the same subjects and they say that they think it probable that on further examination these should be classed as provincial subjects.

Sir B. N. Mitra : The first point there is : what does the word "these" refer to ? As I read the paragraph "these" refers to frontier police and other forces. I do not think there can be any doubt about the first three subjects : Frontier constabulary, frontier remittances and allowances, and strategic roads. Do not they all refer to the Frontier ?

Lord Reading : It says so clearly in the previous sentence.

Sir Abdul Qaiyum : That is not at all clear to me. The question is whether there are any of these things in your settled district. My point is that the frontier militia, and tribal allowances and tribal remissions are meant here. As regards the constabulary which comes within the settled districts, that we have already agreed should remain at the Centre. Here, if it refers to the control of the tribal tracts, for instance, only the militia work in these tracts, not the constabulary. The constabulary work inside the district. There are frontier militia tribal remissions and allowances and strategic roads. If you think those apply to the settled districts too, then I cannot accept it because they do not apply here to the district. They all pertain to the tribal area and tribal tracts which will be outside the control of the administration.

Sir A. P. Patro : Quite so ; that is what is stated here.

Sir Samuel Hoare : Mr. Chairman, you found it exactly, and I hope you will adhere to it. You found exactly the phrasing used by the chief Commissioner and used in rather more general terms by the Government of India. There is no doubt whatever about the Chief Commissioner's report : frontier remittances and allowances, strategic roads, the extra police and other forces necessitated by the geographical position of the Provinces, etc. These should be classed as central subjects. It is quite clear.

Sir Abdul Qaiyum : It says here : "the sub-Committee considers it essential that all matters of All-India importance and all matters connected with the control of the tribal tracts for instance, the frontier constabulary, frontier remittances and allowances." "Remittances" does not mean anything.

Sir B. N. Mitra : That should be "remissions."

Sir Abdul Qaiyum : It says that tribal remission and allowances and strategic roads "should be excluded from the purview of the Provincial Government." In addition to these, which pertain to the tribal area, we have also excluded the Frontier constabulary which operates in settled districts, from the purview of the Provincial Government.

Sir Samuel Hoare : I should have hoped very much that we might have taken as the basis of our Report the Commissioner's recommendations supported by the Despatch of the Government of India. I found it difficult myself, being even more conservative than Sir Abdul, to go as far as that ; but I have been able to bring myself up to going as far as that. But if we are to whittle that down, then I think one of two courses is quite inevitable : either we shall have a number of reservations in this Report, which I should very much regret ; or, if we do not have that, we shall have to have a lot of other meetings with expert evidence and an opportunity of judging whether we should minutely make these classifications or not.

Sir Muhammad Shafi : I do hope it will not come to that, Sir Samuel Hoare. What I suggest is this, if I may, as a solution. Why give any instances at all ? Leave it to the Committee to decide. There are these general words, that it is essential that all matters of All-India importance and all matters connected with the control of the tribal tracts should be excluded from the purview. Leave out the intervening words. It will be for the Committee carefully to consider the whole thing.

Sir Samuel Hoare : Sir Muhammad, I should very much prefer to have these in. You may think I am very troublesome about this.

Sir Muhammad Shafi : No, I do not think that.

Sir Samuel Hoare : But my friends are very nervous of all these various issues connected with the Frontier Province. Not that we have not got the greatest effect for the population, but we do regard it as essentially a military area. On that account it would help me very much with my friends if we could have this in.

Sir Muhammad Shafi : All that I gather from my friend on my left is that Frontier remittances is an expression which really has no meaning ; that "tribal remissions" should be substituted for "Frontier remittances," "and allowances" already there. He has no objection then.

Sir Samuel Hoare : I think it is much better to follow the wording of the Chief Commissioner.

Lord Reading : You know, Sir Muhammad, these words have got a meaning, and I have no doubt they must mean that. It is so much more desirable, if we can, to keep to the actual official language that is used.

Chairman : Would it assist the Committee if we could agree to leave the paragraph as it is, with the addition of the words on page 77 of the Government of India Despatch : "The broad point is that in making the dividing line between Central and Provincial subjects, regard would be had to the need for classifying as central certain subjects of All-India importance peculiar to the present administration of the North West Frontier Province, which could not properly be entrusted to the Provincial Legislature ? "

Lord Reading : I think that would do quite well.

Chairman : That makes it quite clear. Here are the words if you care to see them.

Sir Abdul Qaiyum : Well, I have no objection. If the worst comes to the worst, we would rather entrust it to the Viceroy and Governor-General to specify it, instead of spending two more years over it.

Lord Reading : It will not take any time.

Sir Muhammad Shafi : You would retain the words : broadly on the lines of other Provinces ?

Chairman : Yes, certainly ; we have agreed to those words ; but I wanted to see if Sir Abdul could be satisfied ; I wanted to see whether, if he was not satisfied with the amended paragraph, those words would assist him.

Dr. Shafa'at Ahmad Khan : I would agree if you leave out these instances which are quoted here.

Chairman : Why should we ?

Lord Reading : They all have their technical meaning, used in official language, and it saves you putting in a lot of qualifications.

Dr. Shafa'at Ahmad Khan : Then we decide it now ?

Chairman : No, we do not ; we decide them as matters which should be considered.

Sir Muhammad Shafi : I advise my friend the Nawab to accept the Chairman's suggestion. That, I think, is a very good solution.

Chairman : Then we agree to that ?

Sir B. N. Mitra : Of course, the words " remittances " must be altered to " remissions."

Chairman : Yes, that is done.

Lord Reading : It has got in by mistake, I suppose.

Chairman : Now ; that paragraph 5, as amended, stands ?

Sir Abdul Qaiyum : How will it read ?

Chairman : Just add these words at the end. I will hand them over to you to read (handing to Sir Abdul Qaiyum a copy of the Government of India's Despatch on proposals for constitutional reform, opened at page 77). It begins : " the broad point is ——." It is the last sentence. That will be added to the end of this paragraph as amended, with the words that we inserted earlier.

Sir Abdul Qaiyum : Will that be double : These explanations and those examples ?

Chairman : The words are on page 77, the last sentence in the first paragraph.

Sir A. P. Patro : It is only illustrative ; it does not fix you to anything.

Lord Reading : That is all.

Chairman : The words here in brackets are not at all necessary, those subjects being mentioned.

Sir Abdul Qaiyum : Yes, that is rather what I wanted.

Sir Samuel Hoare : Then we can leave out the words in brackets.

Sir Abdul Qaiyum : Yes.

Sir Samuel Hoare : There is nothing in that ; we do not object to leaving out the brackets ; it is only illustration.

Chairman : That again was put in to assist you, Sir Abdul.

Lord Reading : Mr. Chairman, as you pointed out, in truth they are really redundant, because you have really got that by the words " for instance." You have done it.

Sir Abdul Qaiyum : We will not waste time.

Chairman : Very well then : paragraph 5, as amended stands part.

Raja Narendra Nath : Only those words are added ; the rest remains.

Chairman : Yes, with the addition taken from the Report. Now we come to No. 6 with regard to the Executive.

Sir Muhammad Shafi : As regards 6, I would suggest with regard to the first sentence in this paragraph : " the sub-Committee recommends that the Executive should consist of the Governor, assisted by two ministers, of whom one should be an official," that that should be modified as follows : " the sub-Committee recommends that the Executive should consist of the Governor, acting on the advice of two ministers to be selected from among the elected members of the Legislative Council." I am entirely opposed to this suggestion of an official minister anywhere at all, in any part of India, for the reasons given by the Punjab Government in their Despatch in which they have discussed this question exhaustively, and given many cogent reasons against this institution of an official minister. It seems to me that the introduction of an official minister in any ministry anywhere in India will create difficulties which will be almost insurmountable, and will make the position of the official minister himself intolerable. I do not want to take up the time of the Committee by taking the Committee through those paragraphs dealing with this matter in the Despatch of the Punjab Government ; but the reasons given by the Punjab Government seem to me to be conclusive on this question. I would therefore suggest that this proposal of an official minister should be left out here. When the Governor is head of the Government and has got powers which have been mentioned in the Report of the Simon Commission, and possibly, in regard to the North-West Frontier Province, other powers in addition, there is no necessity of bringing an official element into the ministry at all. I would therefore that this part of the paragraph should be amended.

Sir Samuel Hoare : Sir Muhammad, I hope you will not press this, because, if you think of the history of this, the Simon Commission only two or three months ago made a report definitely against any ministers at all, after very full enquiry. Since then we have had the letter of the Chief Commissioner going a very long step beyond the Simon Report, and giving the Province a very effective share in their own Executive. You have got that supported by the Government of India. At the same time, you have got many people, at any rate here, who are still very nervous as to whether that is not going too far. Now I have been one of the doubters ; I have myself wondered whether we ought not, in view of the military character of the Province, to have adhered to the first step suggested by the Statutory Commission.

I am not going to say more than two or three sentences more. I have been—I say so frankly—very impressed by the Despatch of the Government of India ; I have been impressed by the advice of the very experienced Chief Commissioner on the spot ; I have been impressed by Sir Denys Bray's evidence ; and—though I am afraid he does not think so—I have been very much impressed by Sir Abdul Qaiyum. I want to go at any rate to the extent of making a first step in the Province, and I should like to make that first step with a general backing of unanimity here.

So far as I am concerned, and those to whom I speak, we are prepared to go as far as this. Very likely in the course of time we shall go much further, but this is the first step. It is a very much longer step than was made, looking back to the days of the Montagu-Chelmsford Report, with any other Province ; it is a sudden jump from no share in the Executive to a very considerable share, and I very much hoped we might all have agreed on this first step.

Sir Shah Nawaz Bhutto : Should the Province be allowed to suffer for not having been given an opportunity before ? It is not their fault that it is going to be a big jump.

Sir Samuel Hoare : It is not their fault, no.

Sir Shah Nawaz Bhutto : We are anxious to have equal status only in the civil administration.

Sir Samuel Hoare : We do not want the Province to suffer at all, of course.

Sir Shah Nawaz Bhutto : The military can have any safeguards they please, but it will be very unfortunate if this is allowed to stand in the way of the Province.

Mr. Wood : With all due respect to Sir Samuel Hoare, I should like to say that I cannot see how in any Province an official Minister can be a success. I think it is a most invidious position in which to place an official; and, provided that the Governor of the North West Frontier Province has the powers which we propose to give to him, I do think it is necessary to appoint the Ministers from the elected members of the Legislature. As I have said, the official Minister would undoubtedly be more efficient, but it is not a case of looking merely at efficiency. We have the safeguard of the Governor, and if the Province cannot be run under a Governor and two Ministers drawn from the Legislature, then I think we are going too far in suggesting what we are suggesting.

Mr. Zafrullah Khan : May I, with respect, submit that the real guarantee of security with regard to the difficulties Sir Samuel Hoare apprehends lies, as has been submitted by Sir Muhammad Shafi, in making the Governor in the North West Frontier Province the head of the Executive Government. If you have both Ministers drawn from the elected members of the Council, you really are increasing the responsibility of the Council and associating it more with the administration, and any measures the Governor may finally have to take on any matter are likely to be far more acceptable to the Council and to the Province as a whole if it is felt that the Governor, before deciding the matter, has been advised by two of their representatives, rather than if they feel that it is really an official view to which one out of three members of the Government has really been forced to give his assent.

You have the real guarantee that, after all, whether in an emergency or otherwise the Governor is being given greater powers than those of the Governors of other Provinces; he is to be the head of his own Executive. Once that is secured, I think it will give far more support to the Governor if both his Ministers are non-officials rather than if he has an official Minister and the people feel that though one non-official has been appointed, yet as a matter of fact something is being conceded on the surface which is not really being conceded at all. My submission is that without an official Minister there will be greater stability for the Government and greater support for any policy decided on between the Ministers and the Governor than is otherwise likely to be secured.

Lord Reading : I should like to know whether Sir Muhammad Shafi would be prepared to accept this instead of the amendment he has proposed, following on the lines of what the last speaker has said. If it is agreed that the Governor is to be the effective head of the administration according to the words used here, with two Ministers, and that is to be the position, I should have thought, though I have some inclination to the other side, that it might be possible to give up the official Minister provided you get the Governor accepted as the effective head of the administration.

Sir M. Shafi : I have no objection at all to his being the head, and I think that is the right constitutional position; what I am doubtful about is the word " effective ". What does that mean—" effective head " ? He is certainly the head of the Government.

Lord Reading : I will tell you what I should construe it to mean. I should understand from that, and I did understand from that, that the Governor was not only to preside over the Cabinet of two Ministers but that he would be the effective head, so that if he wanted something done which the Ministers for the time being disagreed with, he would have the power to do it.

Mr. Wood : That is how I understood it.

Lord Reading : That is the essential point; at least, it seems so to me.

Sir Muhammad Shafi : It is the word " effective " which is frightening my friend here.

Lord Reading : I do not mind what word you use so long as we agree on the substance. I think I am rightly interpreting the sense of the sub-Committee when I say we all feel, or at any rate most of us feel, that in the special conditions of this Province, it being difficult at times to determine whether a thing is on this side of the line or on the other side of the line, the dominating subject must be the security of All-India, and the Governor should be in this Province the effective head of the Province. That is the sense in which I have used the word. If you limit it in the way proposed by Sir Muhammad Shafi by putting in the words " on the advice of his Ministers " you are at once cutting down his powers to those of a constitutional Governor, which, speaking for myself, I could never consent to in this Province on account of its special situation. I have not the faintest distrust of the Ministers or other persons in the Province, but it is necessary to have one man at the top who is entrusted with responsibility and who will exercise his discretion fairly and justly and determine what shall be done if a question arises which at all involves the security of the Province.

For instance, with regard to the police, which we have been discussing, I think we all feel we should be perfectly prepared to give over the control of the local civil police to the Government in this way, provided we were satisfied that if any difficulty arose the Governor had effective powers to act. If he has not you are paralysed. I think what was in the minds of most of us was that if you had an Executive composed of the Governor as the effective head with Ministers, that gives you the security you want, which is not security against the Province—it is a mistake to introduce that—but security for all India. That is what you are trying to secure by this, and I would ask you to take into consideration the fact that if you have this new state of affairs the whole interest of the Governor will be to work in accordance with the views of his Ministers. He does not want to set himself up against them. On the contrary he wants to work with them. If you would agree to this I should feel you had security for all India and I should be prepared to give up the idea of having an official Minister.

Sir M. Shafi : What was troubling me when I suggested this phraseology was simply this; that unless you have some such phraseology as this, what is the meaning of the responsibility of the Ministers to the Legislative Council ? I can quite understand, when we come to consider and define the powers of the Governor, the Governor being given some powers over and above the powers of the Governors in the other Provinces. I can quite understand that, and I entirely agree with you that something more is necessary in the North-West Frontier Province; but unless here in this paragraph you have some such words as " acting on the advice of two Ministers to be selected," what is the meaning of the responsibility of the Ministers to the Legislative Council ? That is my difficulty.

Lord Reading : I will answer that in a sentence, if I may. When you have got a Government constituted with the Governor and the two Ministers, the Ministers are obviously responsible for the advice they give to the Governor; that is why they are ministers. But you do not force the Governor—that is what I am objecting to—to take the advice of his Ministers and act on it; you give him discretion in the interests of all India.

Sir Abdul Qaiyum : I want to know the meaning of a phrase which has often been used by Sir Samuel Hoare, who has spoken about the military exigencies, peculiar conditions, and so on. These things are quite good in words, but we have separated the tribal area from the settled districts; we have separated everything connected with the tribal area and placed it outside the scope of the provincial administration, and certain subjects, which are said to be of All-India importance, have been also taken away from the Province. In addition to that, you have the ordinary powers of the Governor in other roviPcnes, where he can in any emergency exercise all sorts of powers and even suspend the whole constitution. In view of that it really puzzles me

to know what else is wanted for these few small subjects, unimportant and unconnected with All-India matters, very local and very limited; what else is wanted in the way of powers for the Governor in regard to these?

Lord Russell: I should like to say a word in support of the suggestion which has been made by Lord Reading. Personally I should be very glad if the compromise which he has suggested could be accepted. I would very much rather see two Ministers responsible to the Legislature than one official Minister, and I think it is a good argument that you would not really weaken the power of the Governor in any way by that but would have better touch with the Legislature and give more obvious self-government to the Province. I should be very glad, therefore, if that compromise could be accepted, but I think we must bear in mind Lord Reading's observation that the Governor must have control.

In answer to Sir Abdul Qaiyum's last remark, I cannot confess to know myself the conditions that obtain in the North-West Frontier Province, but I cannot help taking into account, as every member of the sub-Committee must, the fact that the Government of India, the Simon Commission and the Chief Commissioner of the Province consider that every matter in this Province is tied up with frontier defence, and you cannot separate the two.

Lord Lothian: Or is liable to be so tied up.

Lord Russell: Or is liable to be so tied up, and, though the Governor may not interfere in the day-to-day administration, you cannot feel safe unless you give him powers greater than those possessed by the Governors in other Provinces where there are not these difficulties. I should be very glad, as I have already said, if Sir Muhammad Shafi could see his way to accept the compromise which has been suggested.

Dr. Shafa'at Ahmad Khan: Lord Reading said that over and above the powers we are going to grant to any Governor in another Province, the Governor in this case should have additional powers, but I should like to suggest that his point might be met if, in addition to the powers conferred on other Governors, the provisions of Section 52 of the Government of India Act were also added. That section says:—"In relation to transferred subjects the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." Suppose we invest him with all the powers we have agreed to in the provincial constitution and also confer this power on the Governor of the North-West Frontier Province that might meet Lord Reading's point.

Lord Reading: I see difficulties in it, because I do not want to put the Governor, or the Governor-General, if I possibly can avoid it, into conflict in any way with his Ministers. In view of questions which may arise you will have to reserve power to him, but I do not want him to be brought into conflict with his Ministers; I want him to sit with his Ministers and to discuss things with them and to hear what they want and what they think the Legislature will support. You must remember that from first to last he is wholly interested in doing what the Ministers want; he is not interested in doing the contrary. We are very apt—I have to correct myself sometimes—to think of these things in the mentality of what I may call the past condition of affairs, where there has been a good deal of conflict, mostly for reasons of constitutional agitation, which has led to the Governor-General, or a Governor, being in conflict owing to some constitutional demarche on the part of the majority. But that is not the way in which this is going to work.

What is going to happen now if you have a constitution of this kind is that the Governor will sit there with his Ministers with the whole object of carrying out, wherever he can, what the Ministers require, and what the Legislature requires. That is the system under which you are going to work, and in that way the last thing he will want to do is to be brought into conflict. If you keep him there discussing things with them and taking part with them in the work of the Government, I cannot help thinking you will find it will work quite satisfactorily, and that really you will very rarely get a question, if you ever do get one, where the Governor will have to exercise his powers. But those powers should be there, so that you have security, which is the one thing you have to keep in mind. However anxious we may be to meet the views of the North-West Frontier Province and the views of Sir Abdul Qaiyum, who has put them so forcibly before us, and all the time I was there I know we were largely guided by him on these frontier questions, you must preserve inviolate the security of the Frontier, which means the security of all India; you must take steps to do that.

Mr. Mody: I should like to support what Sir Abdul Qaiyum has said. Personally, I think the experiment we are going to try out in the North-West Frontier Province will succeed only if the ministers are invested with full responsibility in the very limited sphere that is going to be assigned to them. If the needs and the circumstances of the North-West Frontier Province are special, the safeguards which we propose to provide are also special safeguards. We have all agreed, including Sir Abdul Qaiyum, on certain special safeguards, namely, that over and above the very wide powers which the Governors of other Provinces will enjoy there is the fact that the troublesome tribal area is taken away from the jurisdiction of the Province, and there is also the fact that the list of Provincial subjects which will apply in other Provinces, will not apply in the North-West Frontier Province; the list there will be very much smaller. All matters, moreover, which we regard as matters of All-India interest will be dealt with not by the Province, but by the Central Executive and by the Viceroy. I think it would be a mistake, therefore, to emphasise the safeguards too much and to try to safeguard the position to an excessive degree. The greater the responsibility you entrust to the ministers in this very limited sphere the greater will be your chances of success.

Sir B. N. Mitra: My difficulty in the formula suggested by Lord Reading is this, that those particular words will give the Governor power, at least on paper, to overrule his ministry in every case, irrespective of whether there are special circumstances or not, and any constitution which is given to the Province in that form is bound to cause a considerable amount of public feeling. It will seem to bear the stamp of inferiority to the people of that Province as compared with other Provinces.

It is for that reason that I prefer the form of words suggested by Sir Muhammad Shafi, coupled with such specific safeguards as may be required. I think we are all in agreement with regard to safeguards, and if that is so I do not see why we should try to put into our recommendations a form of words which will certainly give the people of the Province a considerable feeling of dissatisfaction. That is my only difficulty.

Chairman: Now we have two suggestions before the meeting, the one by Sir Muhammad Shafi, and the other by Lord Reading.

Sir Samuel Hoare: I am afraid, Mr. Chairman, that I do not at all like to find myself in opposition to a great many members of the Committee, but I definitely go in this matter beyond the recommendation of the Chief Commissioner—namely, that there should be two ministers, one of whom should be official; so that if the general feeling of the Committee is against me, I would ask to have that put in as a reservation.

Mr. Mody: Do I understand Sir Samuel Hoare to say that he also wants the Governor to be, in the words of this draft, "the executive head of the Province."

Sir Samuel Hoare: Yes.

Mr. Mody : That is our interpollation, the word " effective ", is it not.

Sir Samuel Hoare : The adjective may be ; the substance of it is not.

Dr. Shafa'at Ahmad Khan : May I, with your permission, again invite Sir Samuel Hoare's attention to the very cogent reasons given by the Punjab Government against this institution of official ministers, apart from the North-West Frontier Province or any other Province at all. This is what they say : " There is no doubt that the presence of an official in a Unitary Cabinet introduces an element of unreality into the joint responsibility of the Cabinet and their relations with the Legislature." Nor will the position of such a Minister be easy. He may constantly have to subordinate his considered opinion based on his experience of administration to another view. If he goes out with one Ministry and returns with another, he is likely in popular estimation to come to be considered the unlikely genius of the Cabinet. While if on the fall of the Ministry he reverts to official duties, he stands the risk of being considered quâ an official as influenced in favour of views which prevailed in the Cabinet in the time of the last Ministry. The inclusion of the official member is a feature of the proposed constitution which has been specially singled out for attack, and has and will be used as an argument to prove that the responsibility of Cabinet is meant to be but an illusion. With the wish that the responsibility in internal and provincial affairs should be as complete as circumstances permit we think it very desirable that no shadow of ground should be left for this allegation, and, after full consideration are prepared to abandon the official member considering that both requirements can be met by an amplification of the proposal made in paragraph 51 for the appointment of a Secretary to the Cabinet.

I venture to think that the position of an official member in a ministry is not only inconsistent with the responsibility of the ministry to the Legislative Council, but will create for the official minister himself from every point of view—administrative, political, from every point of view—an utterly impossible position. Therefore the real remedy for what Sir Samuel Hoare has in view lies in strengthening the position of the Governor in this Province and not in having this official minister. Judge this question on its own merits. An official minister, instead of being any good either to the Executive government or to himself or to the legislature, will be, if I may say so, neither fish, fowl, nor good red herring, and will be entirely a round peg in a square hole.

Sir Samuel Hoare : I am afraid if I made an answer to Sir Muhammad Shafi, which I will not do at length, because there is a difference of opinion between us, I am afraid, I would read out the corresponding passages in the Report of the Chief Commission, and in the Government of India Despatch. But I will not do that. I am afraid that here is a point on which we see to disagree. I am afraid I cannot alter my view.

Sir Muhammad Shafi : I am very sorry.

Sir Abdul Qaiyum : Is there anything such as effective control in the Government of India Despatch or that of the Chief Commissioner ?

Sir Samuel Hoare : I think there is. It underlies the whole of this passage, I should have thought.

Chairman : I do not know whether I could bring Lord Reading and you, Sir Muhammad Shafi, nearer together. You, I think, in giving us your words, said : " the Governor acting on the advice of two ministers drawn from among the elected members of the legislature and responsible to the legislature." Would it ease the situation at all if we said " assisted by the advice " ? You see, you are laying it down peremptorily.

Dr. Shafa'at Ahmad Khan : " Guided by the advice."

Chairman : Well, " assisted by the advice." I am trying to combine the two ideas, if Lord Reading would agree and Sir Samuel could be induced to waive his objection.

Sir Samuel Hoare : I am very sorry, Mr. Chairman. Quite obviously, all one's inclinations are always in the direction of agreeing with one's friends on a committee, but upon this point, I am afraid I cannot.

Chairman : Very well. Could we get the thing narrowed down a little by making it read ; " The sub-Committee recommends that the executive should consist of the Governor assisted by the advice of two ministers drawn from among the elected members of the legislature and responsible to the legislature " ?

Sir Abdul Qaiyum : You will keep those words, " responsible to the legislature " ?

Chairman : Oh, of course.

Lord Reading : I am a little afraid of the last words. The last words are the words that trouble me. They are words for which I doubt whether you will find any precedent in any constitution that is laid down. I do not mind the first words at all. I would accept those.

Chairman : " Drawn from the elected members of the legislature."

Lord Reading : And I would accept also " from the elected members of the legislature."

Chairman : That is going a long way to meet you, you know, Sir Muhammad.

Sir Muhammad Shafi : Yes, I understand ; but I thought the whole idea of the ministry was that it should be responsible to the legislature.

Lord Reading : I agree ; but you are using technical words which have a very wide meaning, and it is rather difficult to say then what the position is. I should feel very troubled, as I think you would if I were asking your advice, to say what is the position of the two ministers vis-à-vis the Governor, or of the Governor vis-à-vis the two ministers. If you get it in in the words suggested by the Chairman, which go rather farther than I had thought, I would accept it ; but it shows quite clearly that he has to be assisted by the ministers, and that the ministers should be drawn from the legislature. I accept that, and I think that covers all that you really can want.

Chairman : May I read again the opening sentence : " The sub-Committee recommends that the executive should consist of the Governor assisted by the advice of two ministers drawn from among the elected members of the legislature."

Mr. Zafrullah Khan : Why do you confine it to elected only ?

Sir Muhammad Shafi : It must be elected.

Chairman : You must realise what we are doing if we accept this. We are going to have two ministers drawn exclusively from the elected members of the legislature, and they have to be the ministers to work with the Governor, and the Governor has got to work with their advice.

Lord Reading : That may lead you into a very difficult position, because you have a limited number of elected ministers ; you have some nominated who may not be official at all and who may be nominated because of their knowledge and influence in the Province, as I often had the pleasure of nominating Sir Abdul Qaiyum to represent the North-West Frontier Province in the legislature. Well, you shut out then the power of taking any one of those ministers.

Chairman : In the other Provinces such a minister has to seek election within six months.

Sir Muhammad Shafi : The same provision might be embodied there.

Chairman : Would you accept a compromise by accepting the same provision here—that he may be nominated but must seek election within six months ?

Lord Reading : I am looking at this rather more in the interests of the Province itself, of course, as one must do, and of the good government of it, than from the limited point of view of what may happen in this Committee. After all, what you do want to get

is the two best men from the legislature to be the members of the executive. You may have a first-class man there who ought to be in, but who cannot go in because he has not been elected. It would be better if you could do that. You may get very good men, but one knows the difficulties.

Chairman : He might not be able to get elected, because there might not be a seat.

Lord Reading : There might not be a seat, and there might be other difficulties in it, but yet he may be the best man to put in there.

Raja Sher Muhammad Khan : The Governor may nominate a minister ; he will not be appointed by the legislature.

Lord Reading : I should have thought you did not want to shut out from the Governor the power of getting from the legislature the two best men. You limit it so much, you know.

Chairman : You limit it so much that if the best man was among the nominated members you could not select him.

Lord Reading : Perhaps this would meet you. I have no objection to saying that one should be elected, but I suggest that you should confine that to one and leave it as regards the other. That is a way of meeting it, you see, so that you are quite sure of having an elected member of the legislature chosen, and you may have two elected members. The Governor may find that that is the best way of doing it. On the other hand, he may find that although there is a majority of elected members there is somebody else who is nominated who is the best man to put in the place. Well, I want to give him the power to get the best man.

Mr. Zafrullah Khan : Not an official ?

Lord Reading : Not an official.

Chairman : May I call the Committee's attention to a point that was put up at the Plenary Session, that " a member nominated by the Council to represent a community which cannot be represented by election should not be debarred from appointment as a minister."

Mr. Zafrullah Khan : In the North-West Frontier Province there are not likely to be any such nominations.

Lord Reading : No, but what the Chairman is pointing out is rather a matter of principle, to show that that principle has already been accepted.

Mr. Zafrullah Khan : I have no objection to that.

Lord Reading : That is all, I think, that the Chairman pointed it out for.

Chairman : Yes, just to show that that idea had been supported.

Lord Reading : You might say, " Two members of the legislature, one of whom must be an elected member."

Mr. Zafrullah Khan : The other may be elected or nominated.

Lord Reading : Leave the other, one way or the other ; but one must be elected. You may get both elected, but you do not make it obligatory.

Chairman : Do you agree, Lord Reading, as being responsible very largely for the suggestion we are dealing with, that both have to be members of the legislature ?

Lord Reading : Yes.

Chairman : I was just trying to clear the ground.

Lord Reading : Yes, I would be agreeable to that.

Sir Muhammad Shafi : It is somewhat curious that just as I was myself going to make that suggestion, Lord Reading made it. I think it is a very fair compromise, and I would change the phraseology of that, " to be drawn from among the non-official members of the legislative council " to " at least one of whom shall be an elected member."

Chairman : Is that agreeable ?

Lord Reading : I am quite satisfied with that.

Chairman : Now there seems to be a measure of agreement—the best measure we have had so far. Now, Sir Samuel ?

Sir Samuel Hoare : Would you mind putting in a sentence saying that Sir Samuel Hoare, in accordance with the recommendation of the Chief Commissioner and of the Despatch of the Government of India, holds the view that one of these ministers should be official ?

Sir B. N. Mitra : May I be allowed to make a reservation. I do not think that the words used, " assisted by the advice of ", are any better than the words previously used. I may say this quite frankly. I have been an official all my life, I have served for ten years at army headquarters, and therefore naturally I am one of the most conservative of men ; but it was because I felt that it was necessary to bring peace back to India that some advance in constitutional reform was necessary that I did agree to come to this Conference. Well, I feel that the form of words put in will not have that effect so far as the North-West Frontier Province is concerned, and I feel that very strongly. That being so, I shall also ask to be allowed to record my dissent.

Chairman : To what point do you dissent ?

Sir B. N. Mitra : I dissent from the use of the words " assisted by the advice of." I should say, " acting on the advice of, subject to ",—specifying the powers.

Lord Reading : But that is impossible, because Sir Muhammad has accepted the compromise, so that we have not those words proposed now.

Chairman : You see, if we go on, we may have some one else dissenting, and it would take away the whole value of the compromise.

Sir Abdul Qaiyum : Of course, I am not very clear on this point, because a meeting which is putting into different shape our condition from that of the rest of India is one more nail into the body of that dying Province. Any wording different will not satisfy my people. They are very intolerant people there, and they will at once know the wording, the significance, and the conditions, and the difference that will be made about it, so the less distinction that is made, the more it will be leading to the satisfaction of those people. I agree with Sir Bhupendra Nath's remark that the phraseology should be exactly what it is in the other constitutions, " on the advice of these people." Sir Samuel Hoare's dissent, if it can be recorded, and Sir Bhupendra Nath Mitra's dissent, can be recorded with greater force if it is going to be a dissent in the Report.

Mr. Zafrullah Khan : I want to be clear on one point. These two words were put in by you as a sort of compromise, bringing Lord Reading's view and Sir Muhammad Shafi's view with regard to the position that the Governor would occupy closer together. What is the consequent amendment, after putting in these words, here, that you make with regard to the expressions employed in defining the Governor's powers ?

Chairman : We have not got to that yet.

Lord Reading : It is part of the whole thing

Mr. Zafrullah Khan : Then when we know what the whole thing is going to read like, we shall be able to express a view on this.

Lord Reading : I thought I was accepting your view on this, I accepted the view you put forward, which made me then propose what I did, and then give way to the suggestion later made, and then our minds coincided. That really decides the whole thing.

Chairman : We shall deal with that when we come to it. Can we get agreement on this ? With the inclusion of the two reservations, one by Sir Samuel Hoare, and one by Sir Bhupendra Nath Mitra, is it accepted otherwise, with that amendment ?

(Agreed.)

You will now call our attention to the consequential amendment, Mr. Zafrullah Khan ?

Mr. Zafrullah Khan : As I understood it, the difference that arose was this. Lord Reading was pleased to point out that he would be prepared to agree to the non-official minister being taken out, provided that the Governor was accepted as the effective head of the Executive. To this Sir Muhammad Shafi took objection. I will not repeat the arguments about that. Then, in order to bring these two views closer together, you were supposed to put forward this form, that he should not be assisted by the ministers, but acting on the advice of the ministers. That was accepted by Lord Reading because it was felt that that change would being him nearer to Sir Muhammad Shafi's view, and that the word " effective " or the words " effective head of the Executive " need not be there, is a necessary consequence.

Chairman : Well, what do you propose, and then we will discuss it on your proposal. Do you propose the deletion of the words.

Sir A. P. Patro : He wants to delete the words : " the Governor of the North West Frontier Province should be the effective head of the Provincial administration."

Lord Reading : If there is any question of withdrawal from that, I must withdraw everything I have said ; because I started on this basis quite clearly ; I started on the basis of what was said by the last speaker ; I accepted that invitation ; I came in with it ; I said : " As he is to be the effective head." I made it quite clear what I understood it to mean.

Sir Muhammad Shafi : Mr. Chairman, I am satisfied with that.

Sir Abdul Qaiyum : How is the paragraph to read now, Sir ?

Chairman : " The sub-Committee recommends that the Executive should consist of the Governor, assisted by the advice of two ministers drawn from among the elected members of the Legislature."

Lord Reading : " from the non-official members of the Legislature."

Sir Muhammad Shafi : " One at least of whom must be an elected member."

Chairman : The Secretary has got the words ; will he please read them out.

The Secretary : " shall consist of the Governor, assisted by the advice of two ministers drawn from among the non-official members of the Legislature, at least one of whom shall be elected."

Chairman : Is that right?

Lord Reading : Yes, that is quite right.

Sir Muhammad Shafi : It ought not to be " should be " ; it ought to be " shall be ".

The Secretary : I had " shall ".

Chairman : Very well, that is the amendment ; and the other remains as in the Report.

A Member : Yes, that is right.

Chairman : Now we come to 7 with regard to the Legislature. Is there anything on 7?

Sir Muhammad Shafi : 7 (ii).

Chairman : We will take 7 (i) first. Is there anything on that?

Members : No.

Chairman : Is there anything on 7 (ii)?

Sir Muhammad Shafi : I have nothing to say with regard to that.

Sir Abdul Qaiyum : I have something to say on (ii).

Chairman : Yes.

Sir Abdul Qaiyum : I want the words " for the present " to be inserted.

Chairman : Where do you want those words inserted ? Do you want to say : " of not more than 40 members at present " ?

Sir Abdul Qaiyum : No, Sir ; I want it " elected and nominated."

Raja Sher Muhammad Khan : Yes, both of them.

Chairman : I think you are dealing with Clause (iii).

Sir Abdul Qaiyum : Yes, I am dealing with (iii). I am sorry.

Chairman : Then now we will come to (iii). What is your point ?

Sir Muhammad Shafi : On (iii) I have two points. The words are : " The sub-Committee considers that the Legislature should be composed—". That is where the words " for the present " come in. " —— both of elected and of nominated elements." Then we suggest : " The nominated members should not exceed one-fourth of the whole house." That is my amendment. That is to say, it should not be more than 10 out of 40.

Lord Reading : I would raise no objection whatever to the insertion of the words " for the present."

Chairman : Very well. Now the suggestion is to delete " 49 per cent." and insert " 25 per cent."

Sir Muhammad Shafi : Yes.

Chairman : That is the difference.

Sir Muhammad Shafi : I venture to think that nomination is really entirely out of place in the new state of things that is coming into existence in India ; but, in view of the peculiar circumstances of the North-West Frontier Province, I am not prepared to exclude nomination altogether from that Province. But the number of nominated members must be limited to the absolute necessities of the case, and to my mind 25 per cent. is quite enough to cover the necessities of the situation ; 49 per cent. of nominated members is too large a percentage. As someone said, if two stay away, then the nominated members have a majority.

Sir A. P. Patro : I suppose he wants to make it 33⅓ per cent.

Sir Muhammad Shafi : I remember one case in the Punjab some years ago when a distinguished barrister, having a vote in connection with a certain matter, was engaged to go to the mofussil on an important case on a handsome fee, he not knowing that on that day there would be a meeting of that particular body ; but the person interested in the success of the proposal came to know of it and he thought it worth his while to pay this handsome fee to the barrister in order to get him out of the way on the day that the matter was coming on.

Lord Reading : We still have something to learn from you in India ; I have never known that.

Chairman : Here we have two figures ; we have 49 and 25. There is room between 49 and 25 for compromise, if anybody cares to suggest one.

Sir Muhammad Shafi : This is not a case of compromise, Sir.

Chairman : Now, Lord Reading ?

Lord Reading : I think I am going towards Sir Muhammad's view. He thinks 49 is too much. I think he ought to be satisfied if we reduce it to 33 per cent. That gives you very nearly what you want. It will give you the effect that you want just the same, you know.

Sir Abdul Qaiyum : There will be a suggestion from me, towards the end, that this constitution, say after five years, should be brought on the same level. So, in view of that amendment which I am going to suggest later on, I will not object to 33.

Sir Muhammad Shafi : Very well, 33.

A Member : One-third.

Chairman : Does anybody object to 33, or ⅓ ?

Sir Samuel Hoare : It is very difficult to make these bargains.

Chairman : Yes, but one often does it. I have been a Chief Whip.

Sir Samuel Hoare : Yes, and I have been in the House of Commons for many years. If you take my own case, we have had three enquiries into this, and each of them says 49. It is extremely difficult for me to say 25, 30 or 33, whatever it may be. As soon as I get away from the accredited evidence, then I want more evidence. Unless it is quite obvious to me that this Committee does not want to go on with a lot of detailed investigations, I am in a very difficult position.

Mr. H. P. Mody : Having been given a constitution which is far in advance of that suggested by the Simon Commission, I do not think we ought to boggle at 33 and 66.

Dr. Shafa'at Ahmad Khan : The Bray Committee actually suggested 60 per cent. of elected members in 1921.

Sir Samuel Hoare : If I were in the mood for bargaining I would say 40.

Lord Zetland : May I ask what 33 per cent. of 40 people is ?

Sir Samuel Hoare : It is 13 ; it is a very unlucky number.

Lord Reading : I would suggest that we get away from 13 and make it 14.

Sir Muhammad Shafi : " Not more than 14 of whom."

Lord Reading : Not more than 14 out of the 40.

Sir Samuel Hoare : Mr. Chairman, I will not here make a reservation about that. I must think that over. For the purposes of to-day I will agree to that. What my view will be hereafter I do not know.

Sir Muhammad Shafi : I hope you will agree to that ; that is quite enough.

Chairman : Then it is : " shall not exceed 14." Has the Secretary got that.

Secretary : " Shall not exceed 14 members in a House of 40."

Chairman : Yes. Now " (iv) The franchise." Is there any question here ?

Lord Reading : That is to be examined by a special committee.

Chairman : Yes, we cannot settle it here.

Sir Muhammad Shafi : That is all right.

Chairman : " (v) minority representation."

Sir Abdul Qaiyum : With regard to the franchise I want the principle to be the same as followed in other Provinces. I am not a good draftsman, but some words may somewhere be added to the effect that they will take into consideration the decisions of the Franchise Committee as a principle and as a guide.

Sir A. P. Patro : Each Province will depend upon its own conditions.

Lord Zetland : Could we remit this question to the Franchise Committee which is going to sit for the whole of India ?

Sir Abdul Qaiyum : Yes.

Sir Muhammad Shafi : Yes.

Lord Zetland : We are proposing to recommend the setting up of an Expert Franchise Committee on the lines of the Southborough Committee. Why should not this question be remitted to that Committee ?

Dr. Shafa'at Ahmad Khan : Yes.

Sir Abdul Qaiyum : Why not take out the last few lines ? Why should we suggest it to them ? We should leave it to the Committee.

Chairman : I understand Lord Zetland's suggestion is that we leave this paragraph out and insert words to say that this matter is referred to the Franchise Committee.

Sir Samuel Hoare : Yes ; I should think in a matter of this kind we ought to do whatever Sir Abdul and his friends wish, I would suggest to him, however, that a special committee might get through the work quicker. You see you are now tying it up with a general enquiry into the whole of the franchise of India. It is for you to choose which you like. As far as I am concerned I do not mind which.

Sir Abdul Qaiyum : Thank you, Sir ; but when a distinction is drawn between me and somebody else it is like a red rag before a bull.

Chairman : Now I think there is agreement that this should be suitably worded to say that it will go to the Franchise Committe.

Sir Muhammad Shafi : Yes, to the Franchise Committee to be appointed under the general scheme.

Chairman : " (v) minority representation."

Sir Muhammad Shafi : We accept that with pleasure.

Dr. Moonje : Of course I am in principle opposed to the weightage of any minority in any Province ; I do not want to have that kind of thing anywhere ; but if it is decided that it should be given anywhere, I should like to know what is the percentage of Sikhs and Hindus in the Province.

Lord Reading : That is already given us : 150,000 Hindus and somewhere about 28,000 Sikhs.

Sir A. P. Patro : You have it in the note circulated to us.

Chairman : 150,000 Hindus and 28,000 Sikhs.

Dr. Moonje : I want to know the percentage.

Lord Reading : In the settled districts the Hindus, including Sikhs, represent only 7·9 per cent. of the total population, against a Muslim percentage of 91·6.

Dr. Moonje : I am given these figures : that Hindus are 7 per cent. and Sikhs are 1 per cent.

Lord Reading : Yes.

Raja Sher Muhammad Khan : That is about right.

Dr. Moonje : It may be less or more ; my information is that it comes to 6 per cent., but I do not quarrel about that.

Sir Abdul Qaiyum. : May I say one word ?

Chairman : Yes.

Sir Abdul Qaiyum : In towns the percentage will be very high, or higher than in villages. In villages there are only isolated houses and families who are there, just as at present in the district board their number is very small ; but in the towns such as Peshawar, Bannu, Kohat, Abbottabad, they will be fairly high, even on their own rights ; and if they are doubled, in some cases they will perhaps be in a majority.

Dr. Moonje : No, I do not mean that I am putting a different thing. The percentage of the total population is about 7.

Sir Abdul Qaiyum : Yes.

Dr. Moonje : Of course I am in principle opposed to any weightage ; I would certainly oppose it to the utmost ; but if the weightage principle is insisted on in this constitution, then I should like to know what is the proportion of weightage that has been given in other Provinces to similar minorities.

Sir Muhammad Shafi : I make an offer as regards that.

Dr. Moonje : Let me finish.

Chairman : Just a moment ; Dr. Moonje has not yet finished.

Dr. Moonje : In my Province a minority is 4 per cent. ; and we give them 15 per cent. ; that is four times. I think in Madras it is 6 per cent.

Sir A. P. Patro : You are giving them 13. They are about 6½ per cent. and they are being given over 12 per cent.

Dr. Moonje : In my Province 4 per cent. receive 15 per cent. In Madras it receives double. What is the position in Behar.

Sardar Sampuran Singh : In Behar it is 3 times.

Sir Muhammad Shafi : No, that is not so.

Sir Abdul Qaiyum : Whatever is given, it will never be less than that ; it will be more if possible.

Sir Muhammad Shafi : I make this proposal Sir. In the United Provinces 14 per cent. of the population have been given 30 per cent. representation ; that is to say, a little over double.

Dr. Moonje : Yes, quite right.

Sir Muhammad Shafi : I offer to my Hindu and Sikh brethren three times their proportion in the population. They can divide it among themselves as they like ; I leave that to them.

Sir A. P. Patro : Good.

Sir Abdul Qaiyum : You are being very generous, but we shall not quarrel over it !

Chairman : Is that satisfactory ? (Cries of assent). That is a very handsome offer. We shall put " three times " instead of " double ". Number 8 is Financial Settlement.

Dr. Moonje : There is one point I wish to make a note of here, and I hope my friend Sir Abdul Qaiyum will not be annoyed with me. My hope is that there may be no need for the Central Government to give a subvention for the expenditure on the day to day administration of the Province.

A Member : That is inevitable.

Sir Abdul Qaiyum : With regard to Finance, my idea is quite clear. If the subjects which are to be transferred to provincial administration are brought up to the level of the neighbouring province then after that I myself do not believe there will be much need for an extraordinary allotment for those subjects thereafter. If they are lagging behind now it is not due to any want on the part of the population of a desire for educational and medical facilities, and we should not be stopped on the dawn of the reforms——

Dr. Moonje : On the New Year's Day !

Sir Abdul Qaiyum : Yes, we should not have this stopped at the beginning. All I want is that we should be brought up to the same level as the neighbouring Province in these matters, and I have an amendment which I should like to move later in regard to an excess or a surplus at the Centre to be allocated. Provided these Provincial subjects are brought up to the same standard as prevails in the neighbouring Province I do not think we shall require much assistance.

I pay my taxes at the same rates as do people in other Provinces ; I am paying a higher land revenue than is paid in the neighbouring Province, and I pay a higher rate of Court fees for my litigation than obtains in the neighbouring Provinces. If after paying all that my transferred subjects, or nation-building subjects, as they are called, are not up to the level which prevails in the neighbouring Province, I should not suffer, I contend.

Lord Reading : This matter must be inquired into by the Committee which will be appointed.

Dr. Shafa'at Ahmad Khan : We have committed ourselves to the principle of a subvention.

Lord Reading : We say " It follows the Provincial Government will require a subvention from Central revenues."

Chairman : We say that clearly.

Dr. Moonje : My proposal is that that should go out.

Lord Reading : That should be left to the Committee which must inquire into this matter. Any Committee which is going to inquire into this will not want to prolong assistance from the Central Revenues if it is not needed.

Dr. Moonje : We might express the opinion that if it is really needed it might be made for the next five years and then cease.

Sir A. P. Patro : That is just what Sir Abdul Qaiyum does not want.

Sir B. N. Mitra : From the Central Revenues year after year a certain sum of money is being paid to the Province. I think it is in the neighbourhood of two crores at present, of which about a crore goes to meet the day to day administration of the five settled districts, the balance being for defence and political expenditure in the tribal tracts, so that the liability of the Centre is there. I shall suggest a slight verbal alteration later on, but that liability is there. Simply because you form the settled districts into a Governor's Province they cannot possibly make their expenditure and revenue balance. They must receive that grant from year to year, and I for one would not put any period to it, because if you put five years it may be that afterwards members of the Federal Assembly like Dr. Moonje, will say " We will not give any further subsidy to this Province ", and then what will happen to the Province ? I say it should be a permanent subsidy. I do not think any precedents are required, but if they are they will be found in some of the other Dominion constitutions.

In addition to that, if the Centre or the Federal Centre has got a divisible surplus to be distributed amongst the various Provinces, the new North-West Frontier Province will get its share.

Dr. Moonje : That is a different point.

Sir B. N. Mitra : But I do not agree with the suggestion made by Sir Abdul Qaiyum that we must raise the level of the administration in the Services in this Province to the level of the Punjab. If we start any theories of this sort, Bihar and Orissa will immediately claim that we must raise the standard of their various Services to that of those in Bengal, and Bengal will claim that the standard of their Services must be raised to that of those in Bombay, though, of course, Bombay is not contiguous to Bengal. It is well known that the standard of the various Services is at the highest level in Bombay, and then there is a graduated scale all over India. I cannot accept, therefore, either Sir Abdul Qaiyum's suggestion as it stands, nor that of Dr. Moonje. The fact is that this annual liability is there and the money should be distributed in the future as a subvention for all time to come to the new Government of the North-West Frontier Province as far as a part of it is concerned, the balance being the Central expenditure on Frontier Watch and Ward and Political Services, etc., in the tribal territory or connected therewith.

Sir A. P. Patro : That is why the Committee will have to go into all these details.

Lord Reading : I agree entirely with Sir B. N. Mitra that we should not put in a limited time.

Chairman : I understand there is a verbal amendment to be made on this.

Sir B. N. Mitra : I think we should put in " (or Federal) " after the word " Central," because I cannot yet see what class of expenditure it will be ; it may be a Federal expenditure and not Central.

Chairman : You want the word " Federal " to remain, and you want the words " or Federal " to be added after " Central."

Sir A. P. Patro : We are not drafting the statute.

Sir B. N. Mitra : After " Central " we should put in brackets " or Federal."

Lord Reading : I think that is right ; it is carrying out what we suggest later. It is not easy now to say whether it is Central or Federal.

Chairman : That amendment will be made in the fourth line. Is there any other amendment ?

Sir B. N. Mitra : The last sentence should go out.

Sir Abdul Qaiyum : I have two amendments to this. I think the sentence " The terms of the financial

settlement will require very careful consideration " is superfluous. The Committee which goes into the matter will be careful, but to my mind it is not necessary to have this in.

Chairman : Is anyone wedded to this sentence ? (*No !*) Then we can do that. I think you have another amendment. You are getting it all your own way to-day.

Sir Abdul Qaiyum : Except on the main point. I wish to suggest that the following words be added at the end of the paragraph, so that it will read " An agreed convention that each financial assignment should run undisturbed for a period of years until an excess is required or there is a surplus at the Centre to be distributed."

Lord Reading : It is all covered by the words that are there.

Several Members : Leave it to the Committee.

Sardar Sampuran Singh : As it stands, no time limit is put to the financial help which will come from the Centre. I do not want any definite period to be fixed, but I should like some such words in the fourth line as " It follows that the Provincial Government will require financial assistance from the Central Revenues *for some time.*"

Sir B. N. Mitra : No, indefinitely.

Lord Reading : Why not leave it to the Committee ? They will have all that before them.

Sardar Sampuran Singh : After all, our intention is to separate the heads which are Provincial from those which are political and Central. We are going to keep the Political Department and all the expenses which come under that head separate and eventually our intention and ideal should be to make the Province independent financially.

Mr. Zafrullah Khan : The Committee will find out about that.

Chairman : Surely the Committee will take that into consideration ?

Sardar Sampuran Singh : As it stands it seems that help is going to be given for ever.

Sir Samuel Hoare : The real check is that the Central or Federal Government will watch these figures closely, and I think we can rely on them, if the Province is self-supporting, to cease their grants-in-aid.

Sardar Sampuran Singh : This will only make our intention more clear.

Chairman : I think the majority of the sub-Committee is against putting in these words.

Sir Abdul Qaiyum : I should like an amendment to be made to add words to the effect that these special reservations and safeguards will last only for the life of the first Assembly, and that then things will return to their normal condition, or there will be some revision.

Chairman : I am much obliged to you, gentlemen.

(*The proceedings then terminated*).

Sub-Committee No. V. (North West Frontier Province.)

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. Sub-Committee No. V submits the following report subject to adjustment to the complete constitution.

2. The terms of reference to the sub-Committee were to consider " what modifications, if any, are to be made in the general provincial constitution to suit the special circumstances of the North West Frontier Province."

3. The sub-Committee comprised the following members :—

Mr. A. Henderson (*Chairman*).	Sir B. N. Mitra.
Lord Russell.	Raja Narendra Nath.
Lord Reading.	Mr. H. P. Mody.
Lord Lothian.	Sir A. P. Patro.
Lord Zetland.	Nawab Sir Abdul Qaiyum Khan.
Sir Samuel Hoare.	Sir Muhammad Shafi.
Maulana Muhammad Ali.	Sardar Sampuran Singh.
Sir Shah Nawaz Bhutto.	Dr. Shafa'at Ahmad Khan.
Captain Raja Sher Muhammad Khan.	Mr. C. E. Wood.
Dr. Moonje.	Mr. Zafrullah Khan.

It held meetings on the 18th and 30th December, 1930, and on the 1st January, 1931.

4. *The Need for Reform.*—The sub-Committee is unanimous in attaching urgent importance to the need for reform in the North West Frontier Province. It recommends that the five administered districts should cease to be as they are at present a centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's province, subject to such adjustment of detail as local circumstances require, and the extent of the All-India interests in the province necessitate.

5. *The Classification of Provincial Subjects.*—The sub-Committee recommends that, as in other Governors' provinces, there should be a classification of provincial subjects entrusted to the charge of the provincial government. The precise discrimination of subjects between the Centre and the North West Frontier Province will require careful investigation, if necessary, by a specially constituted committee following broadly the lines of the classification in other provinces. Subject to the findings of such a committee the sub-Committee contemplates that the charge of the ordinary civil police in the five administered districts excluding the frontier constabulary will pass to the provincial government of these districts, but in view in particular of the close relation of the province with matters of defence and foreign policy the sub-Committee considers it essential that all matters of All-India importance and all matters connected with the control of the tribal tracts, for instance, the frontier constabulary, frontier remissions and allowances, and strategic roads should be excluded from the purview of the provincial government and classed as central subjects. The broad point is that in making the dividing line between central and provincial subjects, regard would be had to the need for classifying as central certain subjects of All-India importance peculiar to the present administration of the North West Frontier Province, which could not properly be entrusted to the provincial legislature.

6. *The Executive.*—The sub-Committee recommends that the Executive should consist of the Governor assisted by the advice of two ministers drawn from the non-official members of the legislature, at least one of whom shall be elected.

The Governor should also function as Agent to the Governor-General for the control of the tribal tracts, and the administration of central subjects peculiar to the North West Frontier Province. With these subjects, since they will not be provincial but central subjects, the ministers will have no concern. The sub-Committee considers it essential owing to the close inter-relation between the trans-border tracts and the settled districts and in order that All-India interests may be adequately secured—that in addition to possessing all the powers vested in the Governor of a Governor's province, the Governor of the North West Frontier Province should be the effective head of the Provincial administration and should preside over the meetings of his own cabinet.

Note I.—Sir Samuel Hoare holds the view that in accordance with the recommendation of the Chief Commissioner of the North West Frontier Province, and the Despatch of the Government of India, one of the ministers should be an official.

Note II.—Sir B. N. Mitra suggested the words " acting on the advice of two ministers " in place of the words " assisted by the advice of two ministers " in the first sentence of the paragraph.

7. *The Legislature.*—(i) A unicameral legislative Council. The sub-Committee recommends that there should be set up for the five administered districts a single-chamber legislative Council with power to pass legislation and vote supply in regard to all subjects that may be classed as provincial. In addition the legislature should possess the usual powers of deliberation and of interpellation.

(ii) Its size. The size of the legislature should be suited to the convenience of the constituencies. The sub-Committee contemplates a legislative Council with a probable total membership, elected and nominated, of not more than 40 members.

(iii) Its composition. The sub-Committee considers that the legislature should for the present be composed both of elected and of nominated elements. The nominated members shall not exceed 14 members in a house of 40 ; and of the nominated members not more than six to eight should be officials.

(iv) The franchise. The sub-Committee suggests that the franchise in the North West Frontier Province should be examined by the Franchise Committee to be set up to report on the franchise in all provinces.

(v) Minority representation. Subject to such recommendations as the Minorities sub-Committee may make, this sub-Committee considers that if Muslims are given weightage in provinces where they are in a minority, the Hindus and Sikhs in the North West Frontier Province should be given weightage in the legislature of that province. Their representation might be three times the figure to which they would be entitled on a population basis.

8. *The Financial Settlement.*—The sub-Committee is satisfied from figures placed before it that on subjects which may be expected to be classed as provincial, the province will show a large financial deficit. It follows that the provincial government will require financial assistance from central (or federal) revenues. The Committee suggests that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. The sub-Committee apprehends that if the subvention be open to debate annually in the central (or federal) legislature, the substance of provincial autonomy in the North West Frontier Province may be impaired. It suggests that the difficulty might be met by an agreed convention that each financial assignment should run undisturbed for a period of years.

(Signed) ARTHUR HENDERSON,
Chairman.

St. James's Palace, London.
1st January, 1931.

APPENDIX V.

SUB-COMMITTEE No. V. (NORTH-WEST FRONTIER PROVINCE).

A brief introductory Memorandum on the question of Constitutional Reform in the North-West Frontier Province, which was circulated to Sub-Committee No. V by direction of the Chairman (Mr. Henderson).

1. Introductory note.—In strict terms the North-West Frontier Province consists only of the five administered districts, the Hazara district east of the Indus and four districts west of the Indus, namely, the Peshawar, Kohat, Bannu and Dera Ismail Khan districts. But since the charge of the unadministered tribal tracts (which, though India, are not a part of British India) is also in the hands of the Chief Commissioner, as Agent to the Governor-General, it is common to refer to the whole area as though it formed the Province. The tribal tracts comprise not only the five political agencies, viz. North and South Waziristan, the Kurram, the Khyber, and the Malakand, but also areas of almost equal extent, the control of which vests in the Deputy Commissioners of the neighbouring districts.

The country on both sides of the border is inhabited by peoples of the same race.

2. Area and population.—The British area of the five administered districts covers 13,400 square miles, populated by 2¼ millions of people; the tribal tracts, including the States of Dir, Swat and Chitral, which fall within the Malakand agency, cover 25,500 square miles with a population of nearly three millions. The Muslims are throughout in an overwhelming majority. The population figures for the five administered districts are as follows:—

Muslims	2,063,000
Hindus	150,000
Sikhs	28,000
	2,241,000

3. The present constitutional position of the Province.—In 1919 the authors of the Montagu-Chelmsford Report recommended (sections 198) that for reasons of strategy the Province must remain entirely in the hands of the Government of India. It did not participate in the last reforms, and possesses to-day the same form of government which it was given in 1901 when the five districts were separated from the Punjab. The announcement of 1917 remains unexpressed in the present constitution of the North-West Frontier Province. There is no Legislature in the Province, and no popular element in the Executive. In 1922 a committee over which Sir Denys Bray presided recommended constitutional reform in the North-West Frontier Province, but communal differences on the subject were an obstacle in the way, and the position remained unchanged.

4. The relation between the five districts and the tribal tracts.—In any examination of the problem of constitutional advance in the North-West Frontier Province, it is necessary to be clear that for obvious reasons the form of government set up will apply only in the five administered districts which are themselves part of British India. Any new constitution that may be devised will not operate in the tribal tracts. At the same time, the close inter-relation of the five districts and the tribal territory has always been considered to necessitate a unified control of both areas as essential to the security of the frontier.

5. The special circumstances of the North-West Frontier Province.—The terms of reference to the Sub-Committee are " to determine what modifications, if any, are to be made in the general provincial constitution to meet the special circumstances of the North-West Frontier Province." The more important special features may be summarised somewhat as follows:—

I. Its geographical position, involving the close relation of the Province with—

(*a*) the defence problem, and

(*b*) foreign policy.

Points in this connection are—

(1) that law and order, which in other parts of India is a domestic and internal matter, here raise much wider issues;

(2) that the North-West Frontier Province is the terrain in which the Army must be expected to operate for the defence of India against external land attack; and

(3) the need, which has already been mentioned, of unified control over the five administered districts and over the tribal territory.

II. Political inexperience.—The Province has practically no experience of the elective system or of representative institutions. Elections have, however, recently been introduced in the Peshawar municipality, and it has now been decided to introduce direct representation for the constitution of local bodies.

III. Deficit finances.—A note is appended to indicate in a readily intelligible form the financial position of the North-West Frontier Province in the Budget of 1929–30 compared with the audited accounts of 1924–5. It is estimated in the note that the " provincial " excess of expenditure over revenue amounts to Rs. 1,11 lakhs. Since the North-West Frontier Province is still a " centrally administered " area its present budget is included within the central budget.

6. Points at issue.—Suggestions are sometimes made that the problem of constitutional advance in the North-West Frontier Province should be solved by the re-amalgamation of the five districts with the Punjab. It is possible that the Sub-Committee may wish to indicate its own view on that particular proposition.

Assuming for the moment that the North-West Frontier Province remains a separate unit, the following issues would appear to arise in any consideration of revising the form of government in the Province :—

(*a*) Should a Legislative Council be established in the North-West Frontier Province ?

(*b*) If so, how should it be composed, and what should be its powers ?

Under this head, matters arising for consideration would be the franchise, whether direct or indirect ; the representation of minorities ; and the proportions of nominated and elected elements ; and, as regards powers, the legislative and financial powers of the Legislature.

(*c*) How should the Executive be composed ?

The present Executive is purely official. The questions at issue would be the substitution in its place of a popular Executive or an Executive in which popular and official elements may be combined ; and, secondly, the position of the Chief Commissioner or Lieutenant-Governor (by whatever name the head of the administration may be called).

(*d*) The relations between the Executive and the Legislature.

These relations must necessarily depend to a large extent on the powers of the Legislature.

(*e*) What should be the special powers vested in the Chief Commissioner or Lieutenant-Governor ?

The point at issue will be whether, owing to its special circumstances, the special powers to be given to the Governors in the British Indian Provinces should be increased in the North-West Frontier Province.

(*f*) The classification of subjects.

For reasons peculiar to the conditions of the North-West Frontier Province, and in particular repercussions on External Affairs and Defence, it is possible that the classification of provincial subjects in the Provinces generally may require some modification. Thus, to take some examples, frontier constabulary, frontier remissions and allowances, strategic roads may all require to be classed definitely as central subjects.

(*g*) The financial settlement.

This issue is of particular importance owing to the heavy deficit in provincial revenues and the consequent demand on central revenues for the balance. It may be found appropriate that assignments of revenue from the centre to the North-West Frontier Province should run for a term of years.

The Financial Position of the North-West Frontier Province.

The attached* statement, which shows the financial position of the North-West Frontier Province in the Budget of 1929–30 as compared with the audited accounts of 1924–5, might be of interest to the sub-Committee. The statement separates the heads of account which would, in the case of a Governor's Province, involve, as affecting Central subjects, a charge upon the Central Government. One correction only has to be made in order to obtain a true picture of how the Province would stand financially if it were placed in the same position as other Provinces ; viz., some of the expenditure under Civil Works should properly be debited to the Central head " Frontier Watch and Ward " in so far as it concerns frontier works. If this correction is made, the " provincial " excess of expenditure over revenues will be reduced, in 1929–30, to 1,11 lakhs and the " Central " excess will be raised to 1,34 lakhs. The Province as a whole remains, according to the Budget of 1929–30, a deficit Province to the extent of nearly 2½ crores of rupees.

Looking at the provincial figures alone, after making the suggested reduction under Civil Works, it will be seen that the Province would require a subvention of 1,11 lakhs to enable it to finance, *on its present scale of expenditure*, what are classed as provincial subjects in Governors' Provinces. Its outlay of these subjects has grown, during the past six years, by 34½ lakhs, while its " provincial " revenue has remained practically stationary. This anomalous financial position is due to the position of the Province as the Warden, on behalf of the whole of India, of its North-Western Frontier.

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* Statement overleaf.

Figures in thousands of Rupees.

Revenue Heads, *Net.*				Expenditure Heads, *Net.*			
Head.	Accounts, 1924–5.	Budget, 1929–30.	Increase (+) or Decrease (−).	Head.	Accounts, 1924–5.	Budget, 1929–30.	Increase (+) or Decrease (−).
Land Revenue	15,52	16,57	+ 1,05	Irrigation	7,93	3,02	*− 4,91*
Excise	5,04	4,14	*−90*	General Administration	16,33	18,16	+ 1,83
Stamps	11,85	11,30	*−55*	Administration of Justice	2,79	5,25	+ 2,46
Forest	81	60	*−21*	Jails	4,82	6,86	+ 2,04
Registration	72	64	*−8*	Police	26,78	29,02	+ 2,24
Miscellaneous	4,89	5,78	*+89*	Scientific Departments	4	5	+1
				Education	11,01	19,64	+ 8,63
				Medical	3,92	4,02	+10
				Public Health	1,72	1,07	*−65*
				Agriculture, etc.	92	1,74	+82
				Miscellaneous Departments	5	2	*−3*
				Civil Works	50,24	85,63	+ 35,39
				Pensions	2,70	4,68	+ 1,98
				Stationery and Printing	87	68	*−19*
				Miscellaneous	68	69	+1
Total " Provincial " subjects	38,83	39,03	+20		1,30,80	1,80,53	+ 49,73
				Excess of Expenditure over Revenue	91,97	1,41,50	49,53
Customs	*−8*	*−13*	*−5*				
Taxes on Income	6,02	8,07	+ 2,05	Territorial and Political Pensions	53	48	*−5*
Opium	72	—	*−72*	Interest	*− 8,63*	*− 9,84*	*− 1,21*
Currency	6	2	*−4*	Ecclesiastical	96	82	*−14*
				Political	22,11	24,46	+ 2,35
				Frontier Watch and Ward	92,69	95,62	+ 2,93
Total " Central " subjects	6,72	7,96	+ 1,24		1,07,66	1,11,54	+ 3,88
				Excess of Expenditure over Revenue	1,00,94	1,03,58	+ 2,64
Gross Total for Province	45,55	46,99	+ 1,44		2,38,46	2,92,07	+ 53,61
				Excess of Expenditure over Revenue	1,92,91	2,45,08	+ 52,17

APPENDIX VI.

SUB-COMMITTEE No. V (NORTH WEST FRONTIER PROVINCE.)

Notes on the North West Frontier Province.

Circulated to the Sub-Committee at the request of Dr. Shafa'at Ahmad Khan.

(1) Strictly the North-West Frontier Province consists only of the five administered districts as, however, the charge of the tribal tracts is also in the hands of the Chief Commissioner, who acts as Agent to the Governor-General, as far as these tracts are concerned, the term is loosely applied to the total area covered by the five districts and by the tribal tracts. The tribal tracts, including the States of Dir, Swat and Chitral, cover 25,000 square miles with a population of nearly three millions. The population of the five administered districts is 2,241,000. The total area of the five districts is 13,400 square miles.

(2) From the time of the British annexation of the Punjab in 1849, down to 1901, the five frontier districts remained with the Punjab, and the Punjab Government also assumed responsibility for the control of the adjoining frontier tracts. In 1901, in consequence of the decision " that the conduct of external relations with the tribes on the frontier should be more directly than hitherto under the control and supervision of the Government of India," the whole area was taken under the immediate charge of the Government of India, a separate Frontier Province was created, and the Punjab lost the five districts.

(3) There are two points which should be vividly grasped in this connection. In the first place, the Frontier Province was an equal partner in the Province of the Punjab. All the Acts, legislative, executive and judicial, which were the product of the energy and foresight of a long line of British Administrators in the Punjab were applied automatically to the Province. There was no distinction between the various parts of the Punjab Province, and the five districts benefited considerably by the ample resources, greater opportunities, and wide scope which the Province as then constituted offered to the inhabitants of the Frontier. The five settled districts which now constitute the Frontier Province supplied some of the smartest, most enterprising and ablest officers to the Punjab Government, and the executive ability, driving power, and capacity no less for leadership than for team-work and discipline which the Indian officials of the then Punjab Government displayed were borne in upon all who came into contact with them.

(4) In the second place, the Province was separated from the Punjab, not because its inhabitants were either illiterate, backward or unprogressive, but because military considerations necessitated it. The Government of Lord Curzon came to the conclusion that the external relations with the tribes on the frontier could be more effectively conducted by the Central Government. That the regulation of external relations, and the needs of the defence of India, were not regarded as an obstacle to the political development of the new Province, will be clear from the 5th paragraph of the Despatch of the Secretary of State for India, dated December 20th, 1900. " In the case of the settled districts," which were to be detached from the Punjab, " it is clearly undesirable that the people having already enjoyed the benefit of a highly organised administration, with careful land settlements, its laws and regulations and the various institutions of a progressive civil government, should be thrown back from the stage which they have already reached." Lord Curzon's Government made it perfectly clear that the administration which was to be organised for the new Province would not fall short of the standards which had hitherto been maintained in the Punjab. On the contrary, it was assumed throughout, at that time, that the people of the new Province will suffer no diminution either in the political, or in the administrative reforms which the Punjab no less than other Indian Provinces might introduce. Separation from the Punjab was not intended to imply political stagnation, or constitutional inertia, and the Province was assured of a progressive administration, adapted with a view not only to the defence of the Frontier, but also to the political and economic needs and aspirations of the people of the Province. Its strategic position, instead of being a chief hindrance to its constitutional development, was regarded then, and has been rightly considered since, by the Frontier people, as the most effective, and the most potent argument for political advance. The promises made to the Frontier people were not, however, redeemed. While the Punjab and other Provinces of India forged ahead ; while the benefits of the Minto-Morley reforms were conferred throughout India in 1908–9, the new Province was treated as a special, or rather a backward area, and the inhabitants deprived of all means of representation of their views and feelings. The period that followed was one of intense political activity in the Province. The white area pulsated with life and energy, and its people were in sympathy with movements, ideals and ideas which the rest of India expressed in no uncertain terms. The masses were roused ; the educated classes increased in number and influence ; while the discharged soldier who returned to his native village imparted a new element of energy and discipline to the national movement. While maintaining strict discipline and self-control, and preaching loyalty to the British Government, he demanded a voice in the government of his village or town, so that he might improve his lot. The people were no longer content to remain passive and passionless spectators in their own land. They demanded change in the method of Government, and they do so for eminently practical purposes. They insisted on facilities for the education of their children ; they asked for cleaner and better houses, and asked for all the amenities of modern life. They were by no means content with a change in method ; they went further, and insisted on change in the form of their government. They felt that mere tinkering with a few things here and there would not be sufficient. They must be masters in their own household and permitted to shape their own destiny, consistently with the peculiar military and strategic position of their Province. They compared and contrasted their position in 1912 with that occupied by the other Provinces, after the Montagu-Chelmsford Reforms, and the more they reflected, the more discontented and dissatisfied they became. In the meanwhile, though the Report of the Bray Committee was published in 1923, the Government of India took no action on it till 1927, and even *then* they deliberately shelved the point to which the Frontier people attached supreme importance, viz., the introduction of reforms in the Province. Meanwhile public opinion had undergone a most remarkable change in the brief interval. All classes and communities in India gradually acknowledged the justice and equity of this demand, and the Hindu community which had originally offered some opposition to the demand, ranged itself solidly behind the champions of reform, and expressed itself in unambiguous terms in favour of this proposal. Lala Lajpat Rai wholeheartedly supported the motion in the Legislative Assembly on March 11th, 1928, which demanded the introduction of reforms in the Frontier Province on the same footing as in other Provinces of British India.

(5) The position at the present time may be briefly summarised as follows :—The question of Frontier Reforms is not a " Communal " question any longer and an overwhelming number of Frontier Hindus support this demand. The Nehru Report which considered the problem with the greatest care, came definitely and deliberately to the conclusion that the Frontier Province should be placed on the same footing as other Provinces of British India. Let me quote here a passage from the memorandum on the North-West Frontier prepared by the Government of India for the Simon Commission (Volume IV, page 253), " Hindu political opinion outside the Province has become largely, if not entirely, reconciled to a constitutional advance."

(6) It will, indeed, be correct to state that practically all organised political parties in India, whether Hindu or Muslim, support the demand in its entirety. It is admitted by all parties that the reforms to be granted to the Provinces must in no case fall short of those which the latter may enjoy. In the Province itself, the differences between the Hindus and Muslims have completely disappeared. The Hindu community is as anxious for the constitutional development of the Province as the Muslim and the fears of a microscopic minority among the Frontier non-Muslims which had often been trotted out as the greatest obstacles to advance, have given way to a feeling of trust, security, confidence and goodwill which are without a parallel in the history of the Province. There is a solidarity of national interest, a bond of common patriotism, and common pride in the glorious history of their Province, which have knit together classes, creeds and communities in the Province. The recent events in the Province have now made this demand the dominant issue in the lives of the people. The whole Province has been roused. There is not a single hamlet in the remotest village ; not an adult in the five administered districts, who do not take the keenest and intensest interest in the political future of the Province. The movement has acquired a momentum, and exercises an influence on the daily lives of the people which would have been inconceivable a year ago. All the people, from the highest to the lowest, are animated by the resolve to place their province on precisely the same level as other provinces. The whole Province is in a ferment, and is watching anxiously for the fulfilment of a promise which has been made on numerous occasions, but never redeemed. In India, the problem has exercised and is exercising profound influence, and the Indian National Congress and other political organisations have made it one of the most important planks in their programme ; while on the trans-border tribes are discontent, and their intense dissatisfaction with the status of their Province, has produced very serious effects.

I have tried to describe as briefly as I can the events that have led up to the present movement. The Frontier people are a brave, virile and high-spirited race, whose extraordinary valour and unique administrative vigour are recorded in the history of India, Afghanistan and Persia. They are democratic by instinct, tradition, environment and religion. Their manly virtues, sterling qualities, and practical ability are testified to by all who have come across them. They find other Provinces enjoying the blessings of reforms, they find education sanitation, medical relief, and co-operative credit-societies developed in the Punjab as well as other Indian Provinces with remarkable success. They could have achieved the same results, had they been given the opportunity. Yet, in their present condition, they are virtually powerless and helpless. While possessing qualities which are the surest foundation of a self-governing nation, they are deprived of the merest rudimen of self-government. They have no voice in their own land ; laws are made for them, but not by them, while they serve merely as cogs in a great machine. They feel humiliated. Their pride receives a shock from the consciousness of their political impotence and insignificance. It is sometimes said that they have received no training in local bodies and that it would be dangerous to give them so much power as at the start. If they have received no training in local bodies, it is through no fault of their own. Nor have local bodies always been recognised as indispensable links in the chain of constitutional reform. The following extract from the Despatch of the Government of India is conclusive on the point. " The five districts of the North-West Frontier Province are not behind the adjoining districts of the Rawalpindi and Multan Divisions of the Punjab in point of intelligence and capacity. In these Punjab districts the method of direct election to district Boards and Municipality was still unknown when the reforms of 1919 were introduced. Nevertheless, they have participated with success in the dyarchical constitution of the Province. The people of the North-West Frontier Province may well claim that the absence of direct representation for local purposes should no more obstruct the introduction of responsible government in their Province now, than it did in the Punjab in 1919."

(7) Nor has the British Government invariably insisted on preliminary training in local self-government before granting a legislature with full powers, either to a province or to a nation. The Boers who had laid down their arms to the British Government in 1901 had not gone through the stages either of local self-government or of a Parliamentary legislature. They lived a life and followed a programme which cannot be regarded as either advanced or modern, when compared with those of the Pathans. Yet the British Government virtually handed over an extensive area to them. No one has suggested that their early deficiency in political training really stood in the way of their efficient administration. Many other examples could be given. It is not the training so much as the foundations of character which are necessary to the maintenance of that equipoise in a State which is the pre-requisite of its stability. The Pathan has all the qualities which go to the making of an administrator and a legislator. The best evidence of this is the work he has accomplished in India and elsewhere during the last seven hundred years. If the Province is given Reforms, it will greatly assist in the restoration of peace to India, and will lead to the building up of a healthy, prosperous and contented Province which will be the best security against invasion. The Province acts as the doorkeeper of India. It is the sentinel which watches the foes outside and guards its teeming millions with a loyalty and energy which have won unstinted praise from everyone. If the people are contented and happy they can be of the greatest help to India. It is through them that the turbulent tribes are kept in check. It is through them that peace, law and order reign supreme. His work in the Army is so well-known that it is not necessary for me to describe it. It is a truism to state that the British Government cannot afford to have a discontented Province while the foes are knocking at the gates outside. A discontented Province on the Frontier is a source of the greatest anxiety to the Central Government. This anxiety is multiplied tenfold when and if trans-border tribes invade the Province. If to the enormous cost of punitive expeditions and the tremendous outlay of men and money which they involve, are added deep dissatisfaction among the masses of the Province, the position of the Government becomes one of extreme difficulty and delicacy. From every point of view—from the point of expediency, equity, and statesmanship it is necessary to satisfy the desire of the people of the Frontier Province, and thus to ensure peace not only in the Province but also on the trans-border and throughout India.

(8) The demand of the Frontier people may be summed up in the phrase—placing of the North-West Frontier Province on the same footing as other Provinces. If other Provinces are granted complete provincial autonomy, the Frontier Province should also be guaranteed precisely the same status. We are as fit to participate in the new Reform as any other Province in India, and we see no reason why our Province should be treated as a "depressed" Province. We want a fair field and no favour. Unless this is done, unless we take an honourable and equal place in the units that will constitute the Indian Federation, we would rather go without any reforms. Educationally, socially and economically, we are as good as the neighbouring Province or

other Provinces of India. We admit that the strategic position of the Frontier Province may render slight modification in details necessary, and a few subjects such as the Frontier Constabulary may have to be reserved for a certain period. This can be adjusted, when we discuss the classification of subjects and divide them into Federal and Provincial. The fundamental principle must, however, be kept constantly in view, viz., that no subject should be classified as Central or Federal in the Frontier Province which is not classified as such in other Provinces of India, unless the strategic position of the province makes it imperative.

The new province will be justified in asking for a subvention from the Central Government for the administration of certain provincial subjects in order to meet the deficit. The details can be worked out later on by the sub-Committee.

(9) Before I conclude, I should like to draw your attention to the case of Assam. When Assam was separated from Bengal in 1911, it was given a legislature, and was assured a progressive and efficient administration. Assam though a small Province, has enjoyed a separate legislature, and progressive and efficient administration, in spite of the fact that it contains a large number of backward tribes. It participated in the Montagu-Chelmsford reforms, and is now on a footing of absolute equality with other Provinces. Separation benefited Assam greatly, and the Province is able to stand on its own feet. Compare and contrast this with the treatment meted out to the Frontier Province. · This Province, instead of benefiting by separation, has lost heavily by the change. Its administration cannot be said to be as good as, or better than, that of the Punjab or other Province of India. Its education has been retarded by the policy of retrenchment pursued by the Government of India, and the Hartog Committee on Education makes a pointed reference to it in its Report:— " How relentlessly the policy of retrenchment was applied may be gathered from the fact that in the North-West Frontier Province alone, within two years, the expenditure from the Government Funds was reduced by nearly two lakhs, 125 primary schools were closed, one of the two posts of Circle Inspector was abolished, the junior Anglo-vernacular training school for men was closed, all the three training classes for men attached to the Government high school were abolished, the only normal school for women was given up, and grants-in-aid were generally reduced." It may be said that generally the standards of most of the " nation-building " departments of the Frontier Province fall considerably short of those attained in other Provinces. In the sphere of law and order, it is worth remarking that the Jirga system shows no sign of decline. Hence, separation, instead of being a blessing, has proved to be a Dead Sea apple.

SUB-COMMITTEE No. VI.

(Franchise.)

The Sub-Committee was constituted as follows :—

Sir W. A. Jowitt, (Chairman).
The Marquess of Zetland.
Major the Hon. O. Stanley.
Sir Robert Hamilton.
Mr. Isaac Foot.
Dr. B. R. Ambedkar.
Mr. C. Barooah.
Mr. J. N. Basu.
Sir Hubert Carr.
Mr. C. Y. Chintamani.
Mr. Fazl-ul-Huq.
Mr. A. H. Ghuznavi.
Lieut. Col. H. A. J. Gidney.
Sir Ghulam Hussain Hidayatullah.
Khan Bahadur Hafiz Hidayat Husain.
Mr. B. V. Jadhav.
Sir Cowasji Jehangir.
Mr. N. M. Joshi.
Dr. Narendra Nath Law.
Sir Provash Chunder Mitter.
Rao Bahadur Pannir Selvam.
Raja of Parlakimedi.
Mr. K. T. Paul.
Diwan Bahadur Ramachandra Rao.
Mr. B. Shiva Rao.
Sardar Sampuran Singh.
Sir Chimanlal Setalvad.
Rao Bahadur Kunwar Bisheshwar Dayal Seth.
Sir Phiroze Sethna.
Dr. Shafa'at Ahmad Khan.
Begum Shah Nawaz.
Rao Bahadur Srinivasan.
Mrs. Subbarayan.
Mr. S. B. Tambe.
Sardar Ujjal Singh.
Mr. Zafrullah Khan.

with the following terms of reference.

" On what main principles is the franchise to be based for men and women ?"

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. VI. (FRANCHISE) HELD ON 19TH DECEMBER, 1930.

Chairman : Ladies and Gentlemen, this is the first Meeting of the Franchise sub-Committee, and perhaps you will allow me to say what an honour I feel it to preside, and the regret which I feel that I have not yet had the pleasure of meeting all of you. I hope I shall have that opportunity very shortly. Perhaps you will also allow me to say a word or two about the terms of reference to this sub-Committee. We have had circulated, and you will see in your places, a statement which starts by setting out what the terms of reference are, and I might with your permission just call your attention to it.

You will observe that the terms, and the only terms, of reference to us are " On what main principles is the franchise to be based for men and women ? " The words there are " main principles," and it is obvious that we are not concerned with details. I think you will all agree that the details will have to be fixed by some expert Franchise Committee, and we need not deal with that topic here. We have only to deal with main principles.

I have suggested the following heads, and I shall, after reading them through, invite a general discussion in which anybody will state in particular as to whether they think these heads sufficiently cover the various points which we have to discuss.

The first head is " Number of Voters. Should the basis of the franchise be broadened ? If so, what increase in the number of Voters is now practicable or advisable ? " That does not rule out the question of universal suffrage, which will be appropriately discussed under that heading.

The second is " General basis of franchise. (i) Should the franchise qualifications be the same for all communities in the same area (women not being considered a community) ? (ii) Assuming that age is not to be the only qualification, should there be (*a*) a property qualification, (*b*) an educational qualification (*c*) any other qualification for example, military service ? (iii) Do the recommendations made under (i) and (ii) above provide sufficiently for the enfranchisement of women ? If not, should any special qualifications be prescribed for them ? "

Then it is suggested to me that we may appropriately discuss the question of plural voting, and perhaps you might make a separate heading of that. We will call it 2 (*a*).

Then we come to " 3. Detailed franchise qualifications. It will presumably be left to a franchise committee or committees to define the exact qualifications necessary to bring about the result desired under 1 in accordance with the principles recommended under 2." I have already stated that, on my reading of these terms of reference, that is inevitable, because that question is not left to us. " Are there in the opinion of the sub-Committee any other considerations which it is particularly desirable that the Franchise Committee should bear in mind ? " For instance, we might discuss there the question of the over-representation of urban as opposed to the rural districts.

Then " 4. The future electorate. Should provision for future extensions of the franchise be made now or should provincial legislatures be given complete, or limited, power to alter their franchise at any time or after a given number of years ? "

Then the next heading is (you had better keep the two quite separate) " Federal or Central Legislatures. Should the franchise for any directly elected Federal or Central Legislature be the same as that for the Provincial Legislature, or, if not, in what way should the provincial Franchise be modified ? "

Before I invite a general discussion over the whole field and ask for your assistance as to whether or not those headings embrace all the topics we have to discuss, I might just add this word of warning as to what we have not got to discuss. As I see it, we have not to discuss any question which appropriately falls within the purview of the Minorities Committee ; that is to say, the questions for instance of communal electorates, the question of the representation of minorities, and the question of the separate representation of special interests—commerce, industry or university. I realise that it is inevitable that there will be a certain amount of interlocking between this sub-Committee and the Minorities sub-Committee,

and if difficulties arise as to whether a topic falls within our terms of reference or within the terms of reference of the Minorities sub-Committee, I think you would probably consider it desirable that I should have an opportunity of discussing the matter with the Prime Minister in order that we may make quite clear that both Committees are not travelling over the same ground. Subject to that, I think myself that these terms indicate sufficiently what we have to discuss, and I propose now to throw the question open for general discussion. After a general discussion we can then come down to the detailed consideration of the various points, if indeed you think that we have adequately set out the various points for discussion.

Colonel Gidney : If I understood you aright, you just now ruled that minority problems, or minority representation, is not to be included in our terms of reference. We who represent the minorities will certainly base our observations on our minority problems, and it seems to me, until I am corrected, impossible to separate the interests of a minority, so far as its franchise is concerned, from the general rules that would be applied.

Chairman : I shall naturally let the discussion go as widely as I can, only we must realise that there is a Minorities sub-Committee, and it would never do to have the work which we are doing here done all over again by them.

Diwan Bahadur Ramachandra Rao : There is another matter on which I would like your ruling, Sir. There are various constituencies with different electoral qualifications. I should like to know whether our discussion is to proceed only with reference to general considerations, or whether we can enter into the question of the franchise for, say, landlords or for the commercial community, or for the various other interests which are now represented in the Provincial Councils. For example, if the landlords are to be represented, their qualifications are set out in the existing electoral rule. Whether they require modification, and whether their franchise should also be discussed, is a matter for consideration. So far as I see it, the terms of reference here seem to refer generally only to the general constituencies in the Province.

Chairman : I am bound to say that I had thought that such matters as landlords' representation and so on would properly fall within the purview of the Minorities Committee—special constituencies. If we might start our discussion on that assumption, I will see the Prime Minister and find out whether that topic is going to be discussed by one or other Committee. If the other Committee are not going to discuss it we will discuss it here. We might start on the assumption that they are going to discuss it; then we can narrow the field of our discussion to the general constituencies.

Diwan Bahadur Ramachandra Rao : There is another point. There are a number of disqualifications for election which are set out in our rules. I presume that comes within the purview of the discussion here ?

Chairman : Yes.

Khan Bahadur Hafiz Hidayat Husain : Is it permissible for this sub-Committee to enter into the question of franchise for each Province separately, or for all the Provinces taken as a whole ?

Chairman : We should only lay down general principles. They would have to be worked out by an expert Franchise Committee, and I assume an expert Franchise Committee would have to consider the requirements and the needs and the conditions of each Province.

Mr. K. T. Paul : That virtually assumes that there would be differences as between the Provinces. There is a general question involved in the principle. Would there be conformity or not ?

Mr. Isaac Foot : The fact that there has not been conformity between the Provinces is a matter which has been apparent to those who have judged the subject hitherto. That will come under our consideration.

Chairman : Yes.

Mr. Joshi : Most of the Delegates have come to this Conference hoping that India would get Dominion Status. We are also hoping that the Dominion Status will give political status not only to a few people in the country but to all people in the country. Dominion Status, or political self-government, has absolutely no meaning to those people who cannot vote in electing representatives to the Legislature. Some people are at present enfranchised; they have a vote, and they take part in the election for the Legislature. To that extent they are interested in the form of self-government that is established in the country, but to those people who are not enfranchised there is no meaning in Dominion Status. Their condition as regards self-government will be the same. So far as I individually am concerned I am not willing to make any difference between the masters on account of the colour of their skin, or on account of any other such consideration. To the masses in the country who are not enfranchised it is the same whether the rulers come from the higher classes in India or from Great Britain. The colour and the race of the master do not make any difference to them at all. So far as practical considerations are concerned it is the question of economics which makes a difference. If the masters of India come from the masses, and if their economic interests are the same then surely there will be a difference in the relations of the masters to the subjects, because most of the subjects that come up for consideration in the Legislature by a Government have an economic bearing. There are very few subjects which touch the race of a man, the colour of a man, or the religion of a man. Therefore the main consideration which makes a difference between the masters and their subjects is the economic class. Those of us who are interested in self-government are also interested in seeing that the benefit of that self-government will be given to all people in the country. If the benefit of self-government is to be given to all people in the country the only method of doing so is to enfranchise all adult people in the country. There is no other way of giving them the benefit of self-government. A large number of Delegates who have come here have not come here to have a mere change of masters from the British bureaucracy to the Indian autocracy either of the Princes or of the smallest class that may be enfranchised. They have also not come here to substitute Indian bureaucracy for the bureaucracy of the British. They have come here to establish a real democracy in India, and if real democracy is to be established every citizen in India must be enfranchised. Unfortunately at present in India the qualification for a vote is a property qualification, except perhaps for a very small section of the electors in certain places where education is a qualification. I think that it is wrong to base the qualifications for voting on the considerations of property. Every citizen is interested in the form of government under which he is going to live. It is not only the people who hold property who are interested in the form of the Government. It is said that the people who possess property have a stake in the country, but, Sir, I want to ask the members who are gathered here whether there is any larger stake for a man than the stake of his life. There is no larger stake. A man may possess property, but the largest stake which he has is not his property but his life, and every citizen has a life. Therefore every citizen has a much larger stake in the country than the men who have got property. Of course the man who has got property has also some stake in the country, and the important stake is the stake of his life and not of his property. There is absolutely no reason why a difference should be made between people who possess property and people who do not possess property. Everyone has the same stake in the

Government which is established. Therefore the main consideration on which enfranchisement should be based is the fact that a man is a citizen of the country. There may be other considerations, such as the age of the citizen. A child may not be enfranchised, and I can understand that. A child may not be enfranchised before the child knows how to vote. Apart from age I do not think that there is any valid reason for bringing in any consideration restricting the right of voting as a citizen, because, as I have said, every citizen has practically the same stake in the Government and in the country.

Then, Sir, it is said sometimes that some people need not get votes because they do not pay taxes. Unfortunately, in our country some distinction is made as regards those who pay direct taxes, and they are enfranchised. People who pay income tax are at present a large body of voters. Here again we are making a mistake. The people who pay direct taxes are not the only taxpayers in the country. We have a large revenue for our Provincial Governments, as well as for our Central Government, which comes from indirect taxation. Therefore, everyone who in some form or another pays indirect taxation pays taxation to the Government. From that point of view there is absolutely no reason why we should make a distinction between those people who pay their taxes direct and those people who pay their taxes indirect. As a matter of fact, if any class of taxpayer is to be omitted it should be the direct taxpayer and not the indirect taxpayer. The indirect taxpayer is a man who, in many cases, is taxed without his really knowing it. Such a man, therefore, must be first represented, instead of the man who pays taxes directly. I think that the principle of paying taxation has no bearing, because, if we go thoroughly into the matter, we shall find that many of the direct taxes can be also transferred to others. It is not every tax which seems to be direct which is a direct tax. A large number of taxes which look as if they are direct can also be transferred to others. That principle is a wrong principle. I would like this Conference, which has met to give self-government to India, to be bold, and to give real self-government to all people in the country and not self-government to a very small number only. When I say " to all people in the country " I do not make any distinction between men and women.

Sir Cowasji Jehangir : And children too ?

Mr. Joshi : If some people would like children to be enfranchised I shall not oppose it. I am quite willing to consider that question, whether children should be enfranchised or not. I suggest that children should not be enfranchised, but if there are others who say :—" Very well, let us also enfranchise others " I am quite willing to consider it. I know that difficulties will be brought forward with regard to establishing adult franchise. In the first place, it is always said that there is so much ignorance in the country. I quite agree that there is ignorance in the country. It is a very unfortunate circumstance, and if there is any blame to be attached it has to be attached to our Government, but, Sir, my point is that if illiteracy and ignorance is a disqualification, it is a disqualification for all those who are illiterate and ignorant. Unfortunately, that is at present not regarded as a disqualification in our country. People are given votes whether they are literate or illiterate ; they are given votes whether they are ignorant or whether they know something. They are given votes simply because they possess property. I can understand people saying that every man who is to be given a vote must learn up to a certain standard. I do not believe in it, but is understandable to me. That is not done in our country. If a man possesses some property he is qualified to vote, and in some Provinces if he has some income he may be qualified to vote. A large number of our present voters are illiterate. Because they are illiterate we have some system of voting where the people do not make a mark against the name but against the picture or some such thing. We have found some method by which even ignorant and illiterate people will be able to vote. Therefore that difficulty existed, but it has been surmounted in the case of a very large number of voters. I may say that it has been surmounted in the case of the majority of voters at present. Illiteracy cannot be regarded as a bar, because for the last ten years illiterate people have been exercising their right of voting and they have done it fairly well. I have not yet heard much complaint with regard to the illiterate voters having caused great mischief or having brought great disaster on the country. Therefore illiteracy is not a bar. Whether it is a bar or not, illiterate voters have been voting and they have not brought any disaster on the country.

Then, Sir, there is another difficulty that is brought forward, and that is the difficulty of the great number of large constituencies. As regards the constituencies being large, my point is, are the Indian people going to get rights of citizenship at any time or not ? I do not see before me any prospect of the population of India going down to such an extent that there will be a time when the constituencies will be sufficiently manageable for a great franchise. I do not think that the population of India is going to go down.

If we are to go upon the experience of the past, the population of India is going to increase. Therefore you must make up your mind whether you are going to give the franchise to all people or not. Your difficulty is not going to be solved by waiting. The difficulty of the large constituency will always be with us, and has to be faced. There is no reason for waiting on account of the consideration that the constituencies will be large. I shall have to point out some methods when we come to details by which the difficulties of large constituencies can be solved. Moreover, we all fear that when we introduce new electoral methods there is some chance of the voters not doing their duty properly, and we have heard of corruption being introduced into politics. If there is any remedy against corruption it is to be found, in my judgment, in large constituencies. If, as in India, we may have 120 million voters, and we have a legislature of about 500, each constituency will have 250,000 voters on the average. A large number of people who seek the votes of the electorate at present spend large sums of money in so doing, but not many in the country will be prepared to spend sufficient money to obtain the suffrages of 250,000 people. Much of the corruption that we see in the elections will disappear with such large constituencies. People will stand on their merits, and not on account of their money. Under present circumstances it is the man with the money who succeeds to a great extent, but if it comes to a question of spending a million rupees for election, I am doubtful whether anybody in the country will be prepared to put up such a sum. We could certainly introduce some method whereby elections were made more manageable, and those methods might be discussed by the Committee.

I therefore hope the Committee will accept the principle of adult suffrage, and discuss afterwards the methods by which we may arrange for voting procedure. I believe that if we fail to do this, and if we establish some form of Dominion status which is only intended for a few people, the delegates assembled here will not have done their duty towards the masses in our country, I hope that this Committee —a most important Committee from the point of view of the people of the country—will decide to give universal suffrage.

Mr. Zafrullah Khan : There is no doubt about the ideal to be aimed at for the purpose of the franchise, whether in India or in any other country, is universal adult suffrage. On that there can be no difference whatever.

Mr. Jadhav : Is that your ideal ?

Mr. Zafrullah Khan : Oh, yes. Whatever difficulty there may be in other quarters, there can be none from me. But there are certain practical considerations of a very grave character which cannot lightly be brushed aside at the present moment, and from the experience I have had in my own Province—

I cannot claim to speak for others—I cannot with confidence support the suggestion that the time has arrived when, much as I should desire it, universal adult suffrage can be immediately introduced in my Province. The main consideration which is a hindrance to the achievement of that ideal immediately is the construction of the actual machinery for conducting elections. I am afraid that if an attempt were made to work it, it would be found to lead to a great deal of confusion. I recognise that in my Province the introduction of universal adult franchise would not add a very large number of voters of a description or intelligence very much different from the average voter that we have under the present qualification. Therefore, to my mind, the mere addition of a larger number of people would not make any difference to the exercise of the franchise provided I had confidence that arrangements with regard to such exercise would be adequate to meet the increased number of people who would be included. Illiteracy is no disqualification in India at present for the exercise of the franchise, but universal franchise would call for some very special arrangements to enable illiterate voters to record their votes. Therefore, within a practicable time and with a practicable number of polling stations, it would not be possible to have sufficient clerks to deal with the illiterate voters, and elections consequently would have to be spread over such a long period that there would be great confusion.

Then there is the lack of means of communication. We have had, even under our present system, a great deal of difficulty in trying to arrange that polling stations should be set up to accommodate rural voters, and it is a common experience in the Punjab for a polling station, in the less populated districts, to be situated anything from 20 to 50 miles from the home of a rural voter. The voter is expected to travel that distance at his own expense as it is a corrupt practice to provide any conveyance. Even in the more populated districts, the average distance is from 10 to 15 miles and with the lack of communications in the rural areas it could be imagined what great difficulties are being felt at the present moment. If universal adult franchise were introduced immediately, these difficulties would be multiplied a hundred-fold.

Therefore, without going into details, although it is my pasionate hope that universal adult franchise may be introduced as early as practicable, I must admit that it is impossible to introduce it immediately or until experience has been gained by a considerable widening or lowering of the franchise to indicate how universal franchise would work in the future. I certainly think that there should be a very considerable broadening of the franchise, but not immediately to the extent suggested by Mr. Joshi.

Then the question arises, if we are going to set some limits, what kind of limit we should set to the right to exercise the franchise. No doubt any limit set would be open to criticism, and would be artificial but, after all, the obvious limits are always found under the the heading of property, taxation, business experience, experience of administration, or sense of responsibility in any other walk of life. Qualifications have to be found in all these directions, and when we have to select a class from the whole of the community we shall naturally select that class which has had an opportunity of dealing with matters where the exercise of responsibility was required. My suggestions with regard to the actual extent to which the franchise for the provincial legislature should be lowered in my own province I will reserve until the sub-Committee gets down to details. But there are two questions, not of detail, but of principle, which have been alluded to. One is as to whether provincial Councils should be given powers subsequently to alter the franchise with regard to their own province. I certainly think they should be given such power, and the only limit laid on the exercise of such power should be that it must be exercised only after the expiry of at least five years from the introduction of the new constitutional system. That would give an experience of working the franchise for at least two elections, and in the light of that experience it would be open to them to pass such resolutions as might seem proper for further extension of the franchise. With regard to the limit to which they might be allowed to carry it, I would suggest no limit whatever. If, after experience, it is found that arrangements can be made for throwing open the franchise for everybody above a certain age, they would be welcome to pass such a resolution.

The second consideration to which I want to draw attention at this stage is this: we are aware that arrangements with regard to franchise, affecting not only the direct question as to how many people are to be admitted to its exercise, but many other matters are open to be dealt with by the Conference.

It has a very direct effect upon the question of representation of the minorities, certainly the Moslem minority. We know in practice that in many provinces the voting strength of certain communities does nor correspond to the strength which they have in population. For instance, a community in a particular province may be, say, 30 per cent. of the population. On the voting register members of that community may appear only to the extent of 15 or 20 per cent. There are such variations throughout the provinces, and that is one of the factors which is causing a great deal of trouble in the solution of the general minorities question so far as the representation of different communities in the legislatures is concerned. If there is a community which has a comparatively small proportion in the population, but which has a large share in the voting register, naturally the members of that community are anxious that the franchise should not be further reduced, or should not at least be rapidly reduced, because that would immediately bring their proportion in the voting register down to the proportion which would correspond more clearly to their proportion in the population. On the other hand, communities which have a high proportion in the population but a low proportion in the voting register are anxious, apart from general considerations which apply to the broadening of the franchise and to every adult being admitted to the exercise of the franchise, to have the franchise from their own point of view broadened so that the disparity between their numbers in the population and their ratio in the voting register should disappear.

From that point of view the question was taken into consideration by the Simon Commission, and one suggestion made by them is that any Franchise Committee which may be set up to settle the details of the franchise should be given directions so to endeavour as to give to each community, as far as practicable, the same proportion in the voting register as they occupy in the population. That has to be done, as they suggest, not by having different qualifications for different communities, but by having additional qualifications in addition to those settled generally for the whole province or for the whole country—to devise additional qualifications which should operate only with regard to those particular communities with regard to whom it is found that there is a great disparity between their numbers and their proportion in the voting register. That is a consideration which I desire very strongly to press upon the attention of this committee, and for two reasons. One is that if that result is achieved, then any opposition which might at present exist among members of certain communities, who have under the present system a position of advantage, to a further extension of the franchise, would automatically disappear. When they know that keeping the franchise at a high level would not result in their retaining a much higher proportion in the voting register than they have in the population, the general considerations for the extension of the franchise would appeal to them, and they, along with others, would strive that the franchise should be considerably lower. That is one consideration. Otherwise, I am afraid there is bound to be opposition to a very large extension of the franchise from the members of such communities.

The second consideration is this. If the ideal to be attained is universal adult franchise—if that is the ideal condition of franchise—and if the qualifications which have in the meantime to be imposed are due entirely to certain considerations of a practical

kind—for instance, that universal adult franchise cannot be immediately introduced—then it must be conceived that those qualifications in the meantine are of a more or less artificial nature in order to restrict the franchise within practical limits. If that is so then we must go back to the ideal in this sense—that each community is entitled to exercise the same amount of influence over the elections of the legislature as its numbers entitle it to; and eventually, as soon as universal adult franchise is introduced, that is exactly the amount of influence that it is going to exercise. If that is so, and you have to put in qualifications in the meantime in order to restrict the numbers, it is only fair that each community, from the very start of the new constitution, should be able to influence elections to the legislatures to the same extent to which it would be entitled to influence them under an ideal system of franchise. That being so, it is also necessary that such considerations as have been suggested by the Simon Commission should be before any Franchise Committee that is set up.

There are other matters of detail, but with your permission, Sir, I will address myself to those when they come forward.

Mr. Fazl-ul-Huq : So far as these subjects are concerned, it seems to me that they are divisible into two main parts. The first question that arises for discussion is whether it is practical and advisable to begin with a system of adult franchise or not. Secondly, if adult franchise is neither desirable nor practicable we have to consider certain other questions. The point has been directly raised by Mr. Joshi, who pleaded for immediate adult franchise. He himself has recognised some of the difficulties in the way, one of which is the illiteracy of the people generally in our country. So far as illiteracy is concerned, I do think it is a bar, but it is not an insuperable bar; but there is also another consideration which we must not lose sight of in considering the question from a practical point of view. Speaking for my province of Bengal, I have found that the voters generally who come from the rural areas are so very much under the influence either of their money-lender or of other classes of society that they are scarcely able to exercise a free vote. Whether we are responsible for the illiteracy in the country possibly some future Commission will decide, but we have to face the fact that there is an apalling amount of illiteracy in the country and, along with that, a huge amount of indebtedness of the peasantry which makes it practically impossible for them to exercise a free vote. So long as these conditions remain—and let us hope that they will soon disappear—it seems to me that it is not within the sphere of practical politics to recommend that we should start straight away with adult suffrage.

Shortly, therefore, my answer to the first question is in the negative, and I am opposed to the introduction of adult suffrage at once.

As regards the principle on which we should consider the question of a broadening of the franchise, I agree generally with the views which have been put forward by the previous speaker. I would only add one other. It seems to me that the question of the broadening of the franchise is really to be considered with the question of increasing the size of the electorates. Consider for a moment things as they are at present. Again, I speak for my province and for my own constituency. I represent a Muhammadan constituency in my district of 21,000 voters. At the time of elections there are 71 polling stations provided. Mine is a river district, and the communication is only by boat right throughout the year. The inconvenience of inducing electors to come to the polling stations is so great that I have hardly ever found more than 20 per cent. of the voters coming to the poll to exercise their votes.

I submit it is of no use conferring a franchise on people when they cannot really exercise it on account of adverse circumstances or on account of physical difficulties which present themselves in the country. Therefore what I submit is this—that in considering the question of the lowering of the franchise you have also to take into consideration the result it will have on the size of the legislative councils. At the present moment the Bengal legislative council consists of 140 members, of whom 116 are elected. If the franchise is brought in in such a way that the number of voters would be doubled, we would have nearly 250 members. However much we may like to have the legislative council the size of the British Parliament, at the present moment it is not within the sphere of practical politics.

Briefly, therefore, in considering the question of the broadening of the franchise, we have to take into view the effect it will have on the legislative councils to which these various electors would return their members. That is a question which has been considered by the legislative Provincial Council's committee, which has recommended only a slight increase in the size. If we broaden the franchise to a very large extent the result will be that we will have huge constituencies which it will be impossible for candidates to manage. It is not a question of mere corruption; the difficulty is that if there is a huge constituency, a very large proportion of which do not exercise their vote, it is impossible to say whether the candidate who is returned really represents the views of the majority of that constituency. Unless a very large proportion of the constituency do exercise their vote, it is impossible to say whether there is a good representation or not of that constituency. There may be many circumstances in favour of a particular candidate, and therefore although that candidate may not represent the views of the majority of the constituency, he may be successful in defeating a rival who is less fortunately placed in many respects but who represents the views of the large majority of the constituency. Therefore it is not within practical politics to increase the size of the constituencies indefinitely. We have, therefore, to keep in view the fact the increase in the size of the constituencies reflects on the increase in the size of the legislative councils; and if the legislative councils have got to be kept within limits, it is necessary also that we should keep the various constituencies within limits.

Sir P. C. Mitter : My friend, Mr. Joshi said that most of us have come here to get responsible government. I entirely agree, but if we get responsible government it is necessary that we should make the responsible government successful. On the one extreme you may have responsible government with adult suffrage. On the other extreme you may have responsible government technically responsible with 50 men. We do not want either. We want a responsible government that can run successfully; we want real responsibility, we want our voters to cast their votes knowing how to exercise their judgment. With that preliminary observation I desire to go into the question of how we can attain it. One main point, to which I would like to draw the attention of my friends here, is that India, if anything, is a country of villages. Out of her 246 millions of people, 226 millions live in rural areas. Turning to my own province, out of 46 millions of people, 43 millions live in villages. The problem is that if we, I hope at no distant date, want to get responsible government that responsible government must overwhelmingly be the responsible government of our villages. Turning now to my own province, my esteemed friend Mr. Fazl-ul-Huq has told you that the Bengal Legislative Council at present has 140 members. Out of that number, 26 are nominated and 114 are elected. Out of the 114 that are elected, 85 are returned from the general constituencies, and the rest by certain interests such as British Mercantile Interest, Indian Mercantile Interest, Universities, Landlords and so on. In these 85 general constituencies are represented 46 millions of people, of whom 14 millions are bread winners, and 3 millions are literates. Even if we are to aim at getting a comparatively small percentage of the 14 millions bread winners we must inordinately increase the size of our council. That is not practical politics. As has been pointed out by previous speakers, if we increase the number of our voters there will be various difficulties. I will not cover the ground again, but I have a practical suggestion to

offer with regard to representation of rural areas. The Simon Commission has recommended that the number of seats may be roughly doubled. If we double the number of seats and, let me assume, that we shall get either 225 or 250 seats, my first addition is separate rural constituencies from urban constituencies. Speaking with practical experience of elections I may say that where in one district there are seven or eight municipalities and the rest are rural areas it is easier to bring your municipal voters to the poll. It is easier to create a civic sense in your municipal voters. Then the difficulties of transport, the difficulties of ignorance, the difficulties of poverty, and the difficulties of getting into touch with the rural voters are realities which you cannot ignore. The result is that if in any particular constituency there are 20,000 voters, of whom about 4,000 are from the municipal areas, something like 3,000 out of those 4,000 come to the poll, but of the remaining 16,000 it is difficult even to get 4,000 or 5,000 to the poll. Therefore, unless you separate urban from rural constituencies, you will always find that the urban interests and the urban people will overweigh the results of elections.

Coming to the question of rural constituencies, and how to give them better representation, one way of bringing it about will no doubt be by an extension of the franchise, by lowering the franchise, and ultimately (if Mr. Joshi's idea be accepted) by giving manhood suffrage, but will manhood suffrage, or a great lowering of the franchise, give real responsibility ? I make bold to say, under present conditions, no. Steeped in poverty and in ignorance, as the bulk of our rural voters are (whoever may be responsible for it in the past that is the reality to-day) you cannot expect them to exercise the franchise intelligently. The Simon Commission has told us that 80 rupees, a modest estimate, and 107 rupees, a more optimistic estimate, is the annual income of a citizen in India. Eighty rupees means £6, and 107 rupees means a little over £8. On your average income of £100 a year you can well understand the difference. I am again quoting from the Simon Commission. My personal estimate is that it is something like £4 a year and not £6 a year. Be that as it may, if that is the average, there are the richer people, there are the wealthier people in the towns, and there are even in the rural areas wealthier people. Therefore the bulk of the people in the rural areas must be very poor. If you want to give them representation my practical suggestion is this. At the present moment, if you double the number of seats, and it is necessary to increase the number of constituencies, it will roughly speaking, increase the rural constituencies by 25 per cent. Speaking again on behalf of my own Province, we have 25 districts where reforms have been introduced out of our 27 districts. If in those 25 districts you give one additional seat each to every one of the village constituencies you will have a class of people who are vitally interested in rural welfare. It is those people who are carrying the day to day administration of rural districts. If you give even one seat to each of those people then you will have a number of people who are vitally interested in rural welfare, and who can intelligently speak for their less fortunate brethren. You will have a number of people who are well versed in the problems of rural affairs, and, with the 100 or 120 additional seats that you have, it will be easy to provide that. Sir, that is the proposition which I would very seriously lay before the future Committee which will be set up to work out details, and I would ask them very carefully to consider it.

On the general question of adult suffrage I would like to make an observation. In your country at any rate, responsible government has succeeded wonderfully. If you take the history of your country up to 1832, in spite of the fact that the aristocracy were the only people who were accountable for the responsible government, England was a great country. England was a powerful country even before 1832. You have a happy knack of adjusting your differences, and, with the rise of middle classes, with the large wealth due to the Napoleonic Wars, and with the expansion of the Universities, after 1832 you took in the upper and middle classes. Then that great statesman of yours, (his politics may not be the politics of to-day) Disraeli, had another expansion. Coming from 1885 to 1892 and 1918, even in 1918 there was the old franchise qualification of £10 a year. In our Indian money that is 135 rupees, but in Bengal our franchise qualification is either two rupees chaukidari tax or one rupee cess. One rupee cess in the case of an agriculturist is £22 annual value. In the case of a tenure holder it may be at the most from 10 to 12 rupees. I admit that there is a great difference in wealth between your country and mine, but surely it does not make such a very great difference. On the other hand, you have had six centuries of experience in running responsible government. You had a compulsory Primary Education Act in 1870, and if, after 48 years of working of your compulsory Primary Education Act you are content with an annual value qualification of £10, surely two rupees of chaukidari tax, which represents 10 or 12 rupees annual value, and one rupee of cess, which represents the figure which I have already mentioned, is not too low. We, as students of history, as people who desire ardently to copy the institutions of other countries, may be very desirous of going on at a pace for which we are not yet fit. If we advance before our time, instead of getting a responsible government which will succeed, we shall soon be getting irresponsible government which will end in confusion. When I say that we are not yet fit I do not for a moment say that by intelligence, by ability, and by outlook on life, we are not fit, but our traditions are different, our mode of life is different, and our outlook on life is different. Because our traditions are different, and because our outlook on life is different, that is no reason why we should take six centuries or even one century, to attain the object which we all have in view, namely responsible government, responsible to every human unit of the vast Indian citizenship. With the example of other countries, and with the innate intelligence and ability of Indians, if we start with a government really responsible to those who can exercise their responsibility we shall much sooner attain manhood suffrage than by making experiments which are bound to fail. Therefore, Sir, I submit that we should reject adult suffrage however right in political theory it is. We are not here to lay down details ; we are here to lay down principles. Let us lay down this principle : cast your suffrage in favour of those who can intelligently exercise that suffrage, and do not for Heaven's sake forget the rural areas. If any other practical suggestion can be put forward by which our rural citizens under their present conditions can be better represented than by the suggestions which I have made, that suggestion will certainly also be considered seriously.

Lord Zetland : Mr. Chairman, if India does indeed desire to have a full democratic system of government it is quite obvious that adult suffrage is the goal at which she must aim, but, Mr. Chairman, not all people of India, and I think not all people at this table, are democrats. I had expected that before now, in reply to the speeches made by Mr. Joshi and others, we would have had the views of those who consider that the time has not yet come when a large extension of the franchise in India should be made. However, we have not yet had such speeches, and I am not going to make such a speech. I agree with the last speaker that it really is very desirable that we should at any rate aim at some system which would give the rural areas real representation in the new legislatures. In spite of all that Mr. Joshi has said, I am impressed with the tremendous practical difficulties which at present stand in the way of adult suffrage in India. At the present time in India you have an electorate of between six and seven millions. Only a proportion of that electorate has ever so far exercised the right to vote, and I suppose that if we said that three or four millions exercised the franchise at any one general election we should be within the mark. Considerable practical difficulty has been experienced even in recording the votes of that comparatively small number. The elections have

lasted for several days. One of the speakers pointed out that although illiteracy does not by any means connote a lack of intelligence, illiteracy is a practical difficulty in the way of recording votes, and you cannot record illiterate votes at the same speed as you can record literate votes.

The question of lack of communications, referred to by Mr. Zafrullah Khan, is a very real difficulty, not only in the Punjab but in every part of India. In Eastern Bengal the whole countryside during a long period of the year is completely under water, and the only way in which voters could be got to the poll would be by means of river boats. So I could go on and give any number of examples of the practical difficulties of working adult suffrage in India at the present time. What we have to ask ourselves, therefore, is this: Is there any system short of adult suffrage by means of which we could obtain something very close to the results of adult suffrage ? I believe that there is, namely, a system under which groups, each represented by a head man, often known in India as a "mukhi," might through him exercise the franchise. The system is one certainly not unknown in India, and amongst some communities is comparatively common. It seems to me that it would be practicable in the rural areas to have the population divided up into groups each to be represented by a head man.

Mr. Joshi : Elected ?

Lord Zetland : Well, selected or elected.

Mr. Joshi : If you agree to have him elected, it will come to the same thing as the franchise.

Lord Zetland : That is precisely the argument I am endeavouring to develop—a head man selected or possibly elected to represent a group. It has been estimated—and the figure, I think, has been mentioned by one of the speakers this afternoon—that if you were to have adult suffrage in India you would add something like 120 millions to the number of voters. If, on the other hand, you were to divide those 120 millions into groups, say of 20 each, you would get a very much smaller number of electors. Each group would be represented by its head man. Thus an electorate of manageable proportions would be secured. Referring to what Sir P. C. Mitter said with regard to those people in the villages who are working the Village Self-Government Act—he was referring more particularly to Bengal—those are the people who know what are the requirements of the peasant population. Nothing used to strike me more in my tours of the villages of Bengal, particularly Eastern Bengal, than the way in which a few men, partly elected, sometimes selected by more informal means, to represent the villagers, came together around a table and discussed affairs and, within the powers assigned to them by the Village Self-Government Act, which was passed during my time in Bengal, administered the affairs of the countryside. I put forward this suggestion as a possible means, not only of securing adequate representation of the village population of India in the Legislative Council—and it has to be remembered that more than 70 per cent. of the total population of India depend upon agriculture in some form or other for their livelihood—but also as giving us very largely, without all the practical difficulties, the same results as would follow from the adoption of adult suffrage.

Sir C. Jehangir : Would the head man to whom Lord Zetland alluded directly select the members ?

Lord Zetland : The head man would have a vote for his group to elect a member.

Sir C. Jehangir : There would be no further dilution ?

Lord Zetland : No.

Diwan Bahadur Ramachandra Rao : How do you propose to make up the group ?

Lord Zetland : That is a detail, no doubt an important detail, which I should be disposed to leave to a special Franchise Committee. I should not lay great stress on the way in which they are grouped, so long as the grouping takes place.

Sir P. C. Mitter : In my Province of Bengal there are 5,000 villages, with a population of less than 3,000. About 17,000 have a population of from 1,000 to 2,000. Is it the idea that each village should constitute one electoral unit ?

Lord Zetland : I would not do away with the existing franchise. I would give this group system of representation to all those people who at present are not qualified to exercise the vote—that is to say, you get down much more to the labouring classes and the very small people who do not pay, in the case of Bengal, a two-rupee tax, or whatever the qualification may be.

Sir C. Jehangir : It is in addition to the present electorate ?

Lord Zetland : Yes, and I would form constituencies of the group electors separate from the existing electorate.

Diwan Bahadur Ramachandra Rao : Without separating them into caste communities ?

Lord Zetland : I do not want to go into that question ; if I did I should get into the province of the Minorities sub-Committee. My idea of a group would be a small one, smaller than that which Sir P. C. Mitter has in mind. The sort of group I conceived was one of 20 villagers, a head man having a vote for each 20 villagers. It would be a very small group.

Sir C. Setalvad : A village of 200 people would have 10 votes ?

Lord Zetland : Yes, that is right.

Sir P. C. Mitter : I might point out that a system somewhat similar to that is in existence in agricultural Denmark.

Rao Bahadur Pannir Selvam : Ideally Mr. Joshi's proposal is unexceptionable, and so far as the difficulties of large constituencies and of bringing voters to the polling station are concerned, these lend themselves to solution. At present, in some elections, we find about 4,000 or 5,000 voters required to come to one particular polling station, and four or five men sit there spending the whole day recording the votes. Difficulties might be met by increasing the number of the polling stations. I would say that the polling station should be placed where the voters happen to live. Those are practical difficulties which lend themselves to common-sense solutions. I would not oppose this question of adult suffrage on the ground that people who have not got property qualifications should not be given the vote, nor would I put forward the argument with regard to non-payment of tax, because I do not believe that anyone escapes payment of tax in one form or another. But there is one insuperable difficulty I feel in admitting adult franchise immediately, and that is one which Mr. Joshi also fears.

Mr. Joshi : I fear no difficulty.

Rao Bahadur Pannir Selvam : Mr. Joshi says that if there was adult suffrage it might mean a mere change of masters. He does not want merely to change from a bureaucratic to an autocratic master, or *vice versa*. If adult suffrage were extended to-day that would be exactly the danger. Most of our voters are confined to the rural parts, and on going to the rural parts we find that the landowning classes there—and therefore the taxpaying classes—are numerically much smaller than those who do not own any lands, and therefore do not pay any tax, thus being unqualified. But it must also be admitted that in a village the man who does not own any land is economically dependent upon the man who does. In my Province we find that in most villages the major

portion of the land is owned by one man, the rest of the land being distributed among a large number of small owners. The result now is that we get about one-tenth or one-fifteenth of the villagers going to the polling booth, and among these one man might own three-fourths of the land, all the others combined owning the other fourth. During the last three or four elections we have had some interesting experience in this connection. The constituencies are so large that it is not possible for a candidate to go and address meetings attended by voters or to come into personal contact with many of them. At the first election it was the experience that we went to the more important villages and saw the most important man there, with the result that most of the people went to the polling booth and voted as the principal man told them to vote. But as time went on, in succeeding elections, we had to go not merely to the principal man, but also to the more important of the various groups of voters, with the result that in the 1929 election we found that a man who owned the largest extent of land was not able to exercise the same influence and power in advising the people owning less land to vote in the way he wanted them to do. They were able to exercise their own discretion, and give their vote no longer according to the dictates of the principal man who had previously determined their choice.

If you are now going to extend the franchise by giving it to every adult in the village you will be giving it to a large number of people who are economically dependent on the principal man. The result will be that when we come to the elections next time the principal man in the village will be able to carry his own way; and instead of it being a rule of the people, and a democratic rule, it will be a rule of the important man in each place. The elections will be mostly swayed by the more well-to-do, whose rule it is Mr. Joshi wants to avoid.

I am afraid the indirect election which Lord Zetland was pleased to suggest would also not be very welcome. There again there will be the same difficulty. It might be possible to chalk out various groups, one man in each group sending out one man; but the election, being held in the village itself directly under the nose of the most important man in the village, it would again become a rule of the top people.

The answer might be that this difficulty has to be faced at some time or other. My suggestion would be this—to compensate the depressed classes for their economic dependence by an intellectual independence. Compared with 10 years ago the depressed class man is today much more independent of the surrounding circumstances by reason of further education; and I certainly think that we will soon be getting to the stage when the important man in the village will not be able to exercise the same influence over the landless and otherwise disqualified people of today. Therefore I would suggest that while, for the time being, sitting here as we do, we restrict it to some sort of property qualification or direct tax paying qualification (at least for the rural parts), we leave it to the various legislative councils to decide when and how they like to extend the franchise. I would not even put the restriction, which has been suggested, of saying that the legislative councils shall not interfere with the franchise for another five years. If immediately, for the first election, with the experience which they have fresh in their minds, they think that a further extension of the franchise should be made, I think we ought not to stand in the way of the legislative councils for the various provinces coming to that decision. There must be some sort of property qualification if we are going to have, I will not say a fully democratic government, but if we are going to prepare the way for a fully democratic government, and we should leave it to the representatives and the people in the various legislative bodies to say when and how they will extend the franchise to the various people.

Sir C. Jehangir : I agree with my friend Mr. Joshi that we have come to England to get a full measure of self-government, but I am afraid that I can agree with no other statement of his. Therefore my task, as far as Mr. Joshi is concerned, has been considerably decreased, for I have not to point out where I disagree.

We were told just now by Sir P. C. Mitter something of your own constitutional history as far as franchise is concerned, and there is nothing I can say which will not be known to the British Delegation. But I would like to give a few figures of the progress of the franchise in this country for the information of my friends of the British Indian delegation who may not be aware of them.

In England after the Reform Bill of 1832 many will be surprised to hear that only 3 per cent. of the population got the vote. From 1832 to 1867 it went up to 4·5 per cent. of the population. In England during the years 1841 to 1845 the percentage of literacy amongst the men was 67·4 per cent., and amongst women 51·1 per cent. The figures for my own Presidency, in 1919, as to literacy were men 15·7 and women 2·7; and the percentage of the population which got the vote in 1919 was 4·03. These figures speak for themselves. To those of my English friends who contend that the local councils do not represent the peoples of India on the present franchise, my reply is that our councils represent our provinces today better than the House of Commons represented the people of England between the years 1832 and 1867.

Sir, you will find men in England and in India who talk about government being broad based on the will of the people. You know your own conditions under your present franchise. Literacy in this country is now 100 per cent. With regard to literacy in my country, I have no authentic figures but I do not think they are any better than they were in 1919. That leads me to the principle of whether literacy and franchise are linked together or not. I have heard it said in this country that a broadening of the franchise is the best education you can give to a people. It may be so for some people, but it is an education at the cost of a section—not an unimportant section—of a part of the country. I do not believe in education of that sort.

Sir, I do not desire to go into facts and figures as to why the percentage of literacy in India is so low. The fact is that it is low. I have given you the figures, and we can only base our franchise for the future on that percentage of literacy. I desire to contest most strongly that public opinion in England which argues that a full advance in self-government cannot be given to India because they are reluctant to broaden the franchise on account of the percentage of literacy. If that argument was used in other parts of the world then the only answer would be to leave the government in the hands of another country where literacy was more advanced. No country in Europe has ever adopted that argument, but I do agree with Sir P. C. Mitter when he says that when we claim a full measure of self-government we do ask you to take care that that government shall be placed in the hands of people who will act with a sense of responsibility. If you force us into a position which is based on the argument that a further advance should be broad based on the will of the people, we shall accept it, but the risks will not be our responsibility. In short, that is the argument I desire to place before you.

Lord Zetland : Are you opposed to any extension of the franchise ?

Sir C. Jehangir : I am. I am opposed to any further extension of the franchise. My arguments have led up to that.

I am not afraid of saying that here or in my own country. It will be considered to be a retrograde opinion, but, along with the claim which I put forward for a full measure of self-government, I also put forward a claim that that full measure of self-government shall be in the hands of men who can use the power which you have given them with a sense of responsibility.

Mr. Foot : When you say "Men" would you be agreeable to an extension to women ?

Sir C. Jehangir : Yes. The women have got the same franchise as men in my province. It may be that the women do not get it in the same numbers or in the same percentage because it is a property franchise. When we talk of a property franchise let us be perfectly clear as to what it is. It is a rental franchise. It is not an ownership of property. Any man or woman in the city of Bombay who pays a rental of 10 rupees a month gets a vote, and naturally there are more men who pay a rental of 10 rupees a month than women. There are also other qualifications which are of a higher character but the lowest is a 10 rupees rental. That 10 rupees rental I admit has brought a large number of illiterate men on to the electoral roll. You have heard that just now, and you have heard Mr. Joshi very graphically describe how we manage to make these illiterate people vote but that cannot be called a qualification. Is the argument that a certain percentage of your electorate has today to use symbols to enable them to vote an argument for saying that a larger number shall be brought on to the electoral roll, who have to use a symbol, who cannot read and write, who cannot understand what they are doing, and who can only vote for the picture of elephant or a knife or a spear ? Sir, it is an argument to show that the franchise is low enough but I am not going to ask you to tighten it up.

Mr. Joshi : Why ?

Sir C. Jehangir : It would perhaps be even logical to suggest that. Unfortunately in this world sometimes we cannot be logical. I am certain that my noble friend opposite has said many things which are not logical, and, therefore, he cannot insist on my being absolutely and completely logical. When he talks about even children getting the franchise I think that he is out of order when he talks of logic.

Mr. Joshi : I did not say that.

Sir C. Jehangir : These are the main grounds upon which I would oppose an extension of the franchise. I am also in favour of indirect elections. I am not going into the details now because this a general discussion. When we come to the details I am quite prepared to put a scheme before you, but I am not going to be driven into going into details just now. I am also in favour of indirect elections. I am in favour of the principle of electoral colleges.

Mr. Foot : You mean that you will have provincial councils all on the electoral college basis, doing away with the present ?

Sir C. Jehangir : No : the present franchise being the basis. I am not going to put forward these details just now. There is ample time in which to offer them. What I do desire to say is that I am not against indirect elections. I think that a well thought out scheme of indirect elections will meet with general approval.

Chairman : Is that in addition to the existing franchise or in substitution for it ?

Sir C. Jehangir : Sir, I should prefer not to answer that question immediately. I think that you might combine both, but if after all you come to the conclusion that your franchise is to be enlarged then I think that an indirect system is a *sine qua non*. I would be quite prepared to accept on the present franchise direct elections plus indirect elections if with a broad franchise. Therefore, Sir, without being drawn into details, I think that I have said quite enough to show what I personally think, but I would desire to warn my friends both in England and in India. I think that the experience in some countries is that a broadening of the franchise has led to autocracy in the end. You have broadened the franchise to an extent which the country cannot stand, and you end in autocracy. The history of modern Europe shows that.

Mr. Zafrullah Khan : You will explain that also later on.

Sir C. Jehangir : If that is not understandable I cannot make it clearer. We know that in certain countries of Europe to-day there is autocracy. The cause of it was this attempt at adult franchise when the country was not fit for it. If my friend Mr. Joshi desires autocracy in India there can be no easier method of getting it than by following his own suggestions.

Mr. Barooah : I am an advocate of adult franchise, but I go slowly and with caution. Considering the present state of things I do not think that it is either practicable or desirable to introduce it in India at the present time. It is bound to create disorder, confusion, and chaos. I need not go into the details because the obstacles are known more or less to everybody in this room. I therefore suggest that the franchise should be considerably broadened by lowering the qualifications as much as possible, and that steps should also be taken so that not one literate man or woman may be excluded. I hold, however, that universal adult franchise should be our ideal. In order to enable us to approach this ideal more easily and quickly it will be advisable not to make projects for future extensions of the franchise just now, but to give our provincial legislatures full power to broaden their franchise whenever they think it fit and proper. Besides the property and educational qualifications, I think that other qualifications such as the payment of direct or indirect taxes, as well as military service, should be regarded as sufficient qualification for voting. I know that a large franchise for women may not be practicable at present in all parts of India, but, nevertheless, I would not debar a single qualified woman from voting. I would give them equal power with men for voting. Considering the very rapid progress that our women have made during recent years I am sure that this scheme would be quite successful in the very near future. I accept the Simon recommendations as to the qualifications of women for voting. I have personal experience of the disadvantages of large constituencies. In my opinion the best thing to do is to make the constituencies considerably smaller in size and to increase the number of members accordingly. This, however, is a matter which I think ought to be left to the Franchise Committee to be appointed hereafter. It is universally agreed that every province has its different circumstances. I, therefore, cannot recommend the same qualifications for voters in every province. This is again a matter which I think ought to be left to be decided by a future committee. As regards the Central Legislature, in order to make it a popular House it is extremely necessary that there should be direct voting. I am aware of the difficulties. It has been worked now in spite of these difficulties, and I have every reason to believe that it will work better in the future. I will not, however, object if an attempt is made to try both direct and indirect voting at the same time.

Mr. K. T. Paul : I wish, in the first place, to say something with regard to this question of literacy and illiteracy. I am afraid that there is a fallacy current in the minds of most people that literacy is indispensable for education or for knowledge. I had to discuss this point with the Linlithgow Commission in India in connection with rural education, and then I had to study the figures. I have not got those figures precisely in mind just now, but I think that I can indicate them sufficiently on this occasion to point out a real difficulty. Our population during the last decade from 1911 to 1921 was almost stationary. It increased only at the rate of one-half per cent. per annum. Even at that rate of increase in those ten years we had added 15 million people to our population. The conventional ratio of those who are of school-going age to the total population is 28 per cent. If out of 15 million people 28 per cent. is of the school-going age you will see what an immense number of people have been added to the responsibility of education. It is because of this

terrific rate at which our population is increasing that we are unable to overtake the question of illiteracy. While every effort is being made by expenditure of money, by training of teachers, and by providing school plant, to increase the education of the young, the number of illiterates in the country, and also the percentage of illiteracy, is increasing. That is entirely due to the rate at which the population is increasing. We will never be able to overtake this question of illiteracy except through a scheme of adult education, but that is another question. As things are if the question of franchise is to be directly related in any mathematical ratio to the number of literates in the country (as apparently Sir C. Jehangir and Mr. Barooah would want) I believe that it would be a hopeless proposition. It will take something like a century or more before we can achieve what we, and I believe they, wish. I want again to say something from my own personal experience. On the other hand, we find that the Indian villager, even although he is illiterate, is quite able to take care of a very large number of things of ordinary importance.

Lord Zetland : I quite agree.

Mr. K. T. Paul : The noble Marquess referred to the way in which rural administration is being carried on by groups of villagers. In those groups how many are really literate ?

Lord Zetland : Very few.

Mr. K. T. Paul : Very few are really literate. Literacy is not necessary. They have a horse sense which enables them to discern the importance of the subjects which come before them, and therefore, they are able to administer their own affairs. Personally I want to give a testimony here. I happen to be president of a bank which is charged with the responsiblity of financing rural agricultural co-operative societies which are organised especially for those who have no property to pledge, and who can only hypothecate their crops. Last year we financed nearly 3,000 such rural societies and we had a turnover of 200 lakhs of rupees. That means 20 million rupees. In the 15 years of business of this sort we have been able to pay 9 per cent. dividend to our shareholders. It shows that those villagers who are almost 90 per cent. illiterate are able to manage their financial affairs in such a way that the shareholders of the financing bank are able to receive that large dividend.

I want to make another point which may be staggering to some of my friends here who have dealt with the co-operative movement. I want to make this staggering statement that the percentage of overdues in regard to our societies among these illiterate people is smaller than the percentage of overdues in the whole Presidency where almost all other societies are among literate people.

Therefore, in building up a democracy, let us realise that in India we have to devise a means which is totally irrespective of literacy or illiteracy.

Certain practical difficulties have been mentioned. In the first place, I want to point out that the common man in India, the agricultural worker with whom I have come in large contact, is all the time forming more and more the habit of organisation. In every province we have the Village Self-Government Act ; village arbitration courts are at work, and other things are being done which are training our people in the habit of getting together and working in concert to administer their affairs.

Another difficulty which has been mentioned is the practical problem of getting these people to the polling stations. It is true that at certain parts of the year large portions of the country are flooded, but this flooding occurs only as a rule in certain seasons. There is no reason why the polling should always be fixed during the season of the monsoon. All that is required is a little common-sense and organisation. Moreover, as to the long distances which our people have to go in order to vote, are they not habituated to going long distances on festivals and pilgrimages and on other occasions ? After all, we only have these elections once in five years.

Then there is the question of getting them to make marks on the voting papers. But let us remember how many thousands of co-operative societies are being organised to-day, societies are being organised to-day, societies in which people handle their own money, lending it and collecting it, and here let me say that I have found the women in these village societies as efficient in these matters as the men.

The whole idea of comparing our country and our people with other countries and other people is very fallacious. It is for our country that we have to build up a franchise and organisation suited to ourselves.

One more point. Even the Simon Commission Report suggests an, immediate increase of the franchise to four-fold its present size. They want to increase it from 2·8 per cent. to 10 per cent. of the total population. Sir John Simon apparently is not afraid of increasing the number of voters four-fold, and he says that instructions should be given to increase it within a short time to 20 per cent. of the adult population. Mr. Joshi wants 100 per cent. We come down to consider as practical men what instruction we should lay down as a point of procedure that would work. Are we to say 100 per cent., or 50 per cent., or 20 per cent. I want to make this point finally that we ought not to be afraid of this proposal. No valid argument has been urged against the mental or moral qualities of the man whom it is proposed to enfranchise. The only arguments have related to questions of practicability and organisation. I therefore would urge that we do this thing courageously.

(*The sub-Committee adjourned at* 5.10 *p.m.*)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. VI (FRANCHISE) HELD ON 22ND DECEMBER, 1930.

Chairman : Ladies and gentlemen, I have had circulated for your convenience two tables. One shows the composition of the present Provincial Legislatures, showing you in various columns how many of the members are nominated, how many are elected by general constituencies and how many are elected by special constituencies. It may be convenient for you to have that before you. The second table shows the population of the various Provinces and the number of voters, both male and female. That also, I think, may be convenient.

Mrs. Subbarayan : My colleague Begum Shah Nawaz and I desire most earnestly to support the broadening of the franchise in India. We believe a State should reflect the views and aims of all sections of its people, and we cannot have a really peaceful and contented India without this. We believe also, Sir, that democracy makes most for the happiness of the people.

I was surprised to hear one of the Delegates remark the other day that democracy had failed in the West. I cannot understand how anyone, reviewing the great democracies of the West, can make that statement. Surely history teaches us the great danger of denying democracy to any nation, and the violent reaction which may follow the witholding of it. Moreover, I would ask the members of this sub-Committee to consider the spirit which is abroad in India to-day. It is the modern spirit ; it is not the spirit of 1832, and it will not accept a narrow franchise. It is no use to-day to say to the modern generation in India that they are better off than

was England in 1832. In the last hundred years the world has advanced much more rapidly than it did in the preceding thousand, and we cannot seriously compare the development of political thought to-day with that of 1832.

It was also remarked that government should be in the hands of those who can act with a sense of responsibility; but I should like to reply that it is not only those who have property who act with a sense of responsibility. Civic spirit is not peculiar to those who pay a rental of Rs. 10 and over. We cannot accept such a contention, and we strongly support the proposal for adult franchise as being the method best adapted for reflecting the views and aims of all sections of the people.

Mr. Chairman, my colleague and I are keenly interested in the political future of the country, and we are particularly concerned with the political future and welfare of a great section which represents nearly half the population of India. We want the women of India to bear their full share of responsibility in the new India. As the Simon Commission states, the women's movement in India holds the key of progress, and the results it may achieve are incalculably great. We feel, Sir, that the first few years of India under the new constitution will be of immense importance in the shaping of her whole future policy; and we think it is essential that the views of women should play their due part in politics in these years.

Sir, we have circulated among the members of this Sub-Committee a memorandum* outlining the case regarding the political status of women under the new constitution, and in it we particularly draw attention to the drawbacks in the present women's franchise in India. Women's franchise has already been accepted in principle in India, and I should like here to pay a tribute to the Legislatures of the past in India, which took advantage of the permission granted to them by the last Reforms and accorded the franchise to women. We shall always be grateful to them for that, because the recognition of the principle means much.

What we are asking now is that the practice also should be considered, and the franchise broadened so that the women's vote, which is now a negligible quantity, will become a real factor. We have been reminded in this Sub-Committee that women now have equal franchise with men, but that is true only so far as the qualification is concerned. The present franchise, given on equal terms to men and women, and based mainly on property, produces a very great discrepancy between them in voting strength, for the simple reason that only a very small number of women have the property qualifications. For instance, take the case of the Bombay Presidency, where the lowest qualification for an elector is the Rs. 10 rental, which has already been quoted by one speaker. In this Presidency there are 759,000 male voters and only 39,000 women voters; consequently, there are nearly 20 men electors for every woman elector. The proportion of men electors to the adult male population is 13·4 per cent., while the proportion of female electors to the adult female population is 0·8 per cent. Again, take the six Provinces of India, excluding Burma, where women have the vote and for which we have statistics. In these six Provinces the actual number of male electors is 5,833,000, while the women number 268,000. In other words, in these six Provinces there are nearly 22 men electors for every woman elector. While the proportion of men voters to the adult male population is 12·2 per cent., the proportion of women electors to the adult female population is 0·6 per cent.

When women are in such a minority, it is obvious that their political views are at present of little or no account; and, as we claim that women have a special contribution to make to the welfare of the nation, it seems only just and reasonable that the voting strength of women should be brought up to that of men.

As to the best method of securing this, I expect that will be more fully considered when this Sub-Committee leaves the general principles and goes into details. Our hope is that this Sub-Committee will approve of the principle of adult franchise, which, as I said before, seems to me the best method of adjusting the views and aims of all sections of the people in India. If, however, adult franchise cannot be immediately introduced——

Mr. Joshi: It can be.

Mrs. Subbarayan: That remains to be seen. If it cannot be immediately introduced, or can be achieved only by stages, we are prepared to put forward suggestions for a special franchise for women, to bring their voting strength up to that of men; but, as I have already said, we shall reserve such proposals until a later stage.

Before I conclude, may I say we feel some alarm at the magnitude of our task in presenting the claims of women to this Conference; for, while the women of India represent nearly half the total population of India, the women in the Conference represent only one forty-fourth of the membership of the Conference and only one-eighteenth of the membership of this Sub-Committee. But we believe that if we ask you and this Sub-Committee to remember our numerical inferiority at this Conference and to share with us this responsibility, the claims of women will not go unrecognised.

We have already felt greatly encouraged in our task by the appreciation which some of the Delegates have expressed of the work, political and social, which the women of India have been doing. I hope the Sub-Committee will realise that the women of India are waiting to take their place beside the men in the building up of the new India. They, too, like the men, demand their rights and responsibilities; they too are anxious to serve India; but first of all full opportunity should be given them, and now we ask for that opportunity.

Dr. Ambedkar: It seems to me that there are only two important questions which this Round Table Conference is going to consider. One question is whether India should have responsible government, and the second question is to what people that government should be responsible.

In the Plenary sessions we all joined in one chorus in demanding that India should have a responsible form of government, and I for one, speaking on behalf of the Depressed Classes in that Plenary session, joined with my friends sitting opposite in demanding responsible government for India. When I did so, however, I was under the impression that the Indian people who came to represent their country at this Round Table Conference were not only united in making a demand for responsible government for India, but were also united in the view as to whom that government should be responsible.

I am sorry to say, Sir, that I have been deluded. I find now that although some of our people would desire me and others to join them in their demand for Dominion Status, they do not join with us in demanding that the Government which will be set up under that Dominion Status shall be responsible to the people of India as a whole. I never thought there would be this division of opinion, and that I should have to stand up to defend the position we take.

Now, Sir, speaking on behalf of the Depressed Classes I cannot honestly consent to responsible government or to Dominion Status unless I can be sure that the people for whom I speak are to have a place in that constitution. I must make that fact plain to all my friends. As an objection has been raised to the proposal for adult suffrage by some of my friends, I propose to deal with the arguments brought forward against it.

One of the arguments brought forward was that we should follow the precedent laid down in this country, that adult suffrage should be reached by stages. It

* *See* page 290.

is suggested that we should follow the stages adopted in this country from 1832 to 1918. Those who take their stand on the political history of enfranchisement in this country seem to think that there was some philosophical course of action thought out by the English people in devising the steps that were taken by them in enfranchising the people from 1832 onwards, that they had decided beforehand that they must enfranchise only a limited number of people in 1832, that otherwise it would be philosophically wrong; that they should take the next step only in 1867, and not in 1866; that they should take the next step in 1884 and not in 1867. I do not know whether those who use that argument believe that there was any philosophic belief behind that fact. But I should like to point out to my friends, those who base their arguments upon this fact, that if you read the political history of England, you will find that not only was there no philosophical belief which determined the stages that were taken by the British people, but the question of franchise was treated in this country as a mere matter of party politics: that each party tried to extend the franchise because it thought that as a political catch-word it would influence and augment that party. Perhaps that will be news to my friend who used that argument, and, I must say, always uses it with satisfaction to himself, feeling that he is placing an insuperable obstacle in our path. He will be, perhaps, pleased to find that one of the great steps in the political enfranchisement of the people of England was taken by a Conservative Government in this country, and not by the Liberals or the Radicals.

The second thing I should like to point out to my friend is this. Does he really mean to tell us that because the franchise in this country was limited, that, therefore, the Government produced under that franchise was a good Government, a Government the object of which was the welfare of the people and the prosperity of the masses? Is that the inference he wants to draw from that fact? That because the franchise was limited, that, therefore, there was no trouble, and that everybody was satisfied in this country? Surely that is not the case. If my friend will only take the trouble of reading the life of Lord Shaftesbury, and the social and political history of England, he will certainly find that the unreformed Parliament was not a blessing to any one.

Thirdly, I should like to point out to my friend, if he really is serious, and if he really believes what he says, that the people of India ought not to be given adult suffrage, because they are not fit for it, that the only alternative for him is to go back to India and not to demand Dominion Status or responsible government, for, surely, if it is the view of the gentleman who puts forward this case that the Indian people are not fit to exercise the franchise, are not fit to take upon themselves the responsibilities of government, then I do not understand in whose name he asks for responsible government. Is it for this class? Is it for himself? For whom is it? The only argument, as I understand, in favour of responsible government and in favour of Dominion Status, is the assumption which must constitute the basis of any such argument, that the people of India are fit to undertake the responsibility of government. If my friend does not believe that the Indian people are capable of exercising that responsibility, then the only conclusion is that the Indian people cannot have Dominion Status and cannot have responsibility.

The second argument that was brought forward was, that, although adult suffrage may be an ideal, it cannot be brought into effect at the present moment, because we have not the machinery to give effect to it. Now I have great sympathy with that argument, but I should like to point out that there are considerations in opposition to that view. Let us understand what the franchise does really mean. Surely, the franchise does not mean a mere matter of the ballot box, does not mean a mere matter of polling booths and the placing of polling officers there. The franchise means something more vital than that. Now, Sir, as I understand it, to me the suffrage and the franchise are nothing else but the right of self-defence; it means that you will create a legislature which will have the amplest power of passing laws which will affect the life, liberty and property of the people. Surely, if that is going to be the position, if your legislature is going to have that power of affecting your life in these most vital matters, then surely every individual who is going to be subject to that legislation ought to have the power to defend himself against laws which will probably in the circumstances invade his liberty, invade his life and his property. It is not a mere question of the ballot box; it is not a mere question of polling booths.

May I put it in a different way. If I understand the franchise, I understand it to be the right to regulate the terms of what one might call associated life in society; that is the essence of the franchise. When you give a man the franchise, what you mean is that you give him power to regulate the terms on which he will live in relationship with other individuals in society. Now, if that is the meaning of the suffrage, surely you cannot give the higher classes, the intellectuals as they are called, or the propertied classes, the power so to regulate the terms of associated life, and leave the lower classes at their mercy. They, too, must have the power to regulate the terms of associated life. Just as the capitalist must have the power, if he is to have any constitution, to dictate how he shall live on terms of associated life with the labourer, surely the labourer is entitled also to have the power to regulate the terms on which he shall live with his capitalist master. It cannot be a one-sided bargain; it must not be a one-sided bargain. If you understand the franchise in the right sense of the word, then it seems to me the franchise is something which must be regarded as the inherent right of every individual in the State; and if you understand that the franchise is the inherent right of every man or woman who is capable of understanding it, then surely you cannot make an inherent right of a people dependent upon the conveniences of your administration. My friend used that argument, that we must not have adult suffrage because we shall not have polling booths and polling officers. I should like to remind him of what would be the situation if he were told that he had been wronged by an individual, that he had a good case which, if he brought it to the Court would certainly succeed, but that he could not be given redress because we had not sufficient judges in the High Court. How would he like that position? Surely, if the franchise is an inherent right, and if there are administrative difficulties in the effectuation of that franchise, then the remedy is not to curtail the franchise, but the remedy is to provide the necessary machinery, so that every man or woman capable of enjoying that franchise shall be in a position to give effect to it.

Sir, it seems to me that the difficulties of administering the franchise which have been placed before us arise from two different sources. We are told that the constituencies in India are very vast; and, surely, as we see from the Report of the Simon Commission, they are of a most fabulous character. It is said that if you increase the number of electors in the existing constituencies, as they exist to-day, the whole machinery will break down. My submission to this Conference is this: Surely this difficulty can easily be met. It seems to me this difficulty can be met in this way. It seems to me that the difficulty arises largely because of the composition and strength of your Legislative Councils to-day; that composition is so very limited that you cannot help having the large constituencies that you have to-day. It seems to me that from the standpoint of numbers the existing strength of the legislatures in the Provinces is ridiculous. Let us have the figures for a moment before our mind's eye. I find on comparison that Madras, Bengal and the United Provinces have more or less the same population as France, Great Britain and Italy. The Madras Legislative Council consists of 132 members; the Bengal Legislative Council consists of 140 members; the United Provinces Legislative Council consists of 123 members. On the other hand, France has a Lower Chamber which consists of 626 members; Great Britain has somewhere over 600;

and Italy has 560 members. Take, on the other hand, Bombay and the Punjab, which are more or less on a par in the matter of population. Bombay has 114 members; the Punjab has 94. Bombay and the Punjab are more or less equal in population to Spain; if you take the Lower Chamber in Spain, you find it consists of 417 members. I know it is not in existence now, but that is another matter. It is a matter of constitution. In France it is in existence with a large number. Then take the Central Provinces in which the Legislative Council has 73 members. I find that the population of the Central Provinces is equal to that of Yugoslavia. Yugoslavia has 313 members. Assam has 53 members; in population it is equal to Portugal, and Portugal has 146 members.

Now surely if you are going to cramp these vast aggregations of people into Legislative Councils which do not exceed 140 in membership, you are bound, as a result, to have very large constituencies. Why are you afraid of increasing the numbers in the Legislature? I cannot understand it. If you are not afraid, and if you follow the parallels in other countries, then surely you can very easily reduce the size of the electorates, and thereby remove one of the difficulties that is said to exist in the matter of adult suffrage.

Then another difficulty which was pointed out was that it was said we should not have a sufficient number of polling officers. Now that difficulty to my mind also does not seem to be of a very serious character. It seems to me that if all the college students in India could be drafted into the service of the electoral department, this difficulty could be very easily solved. Some of my friends on the other side laugh at it, but I do not know why. I know, as a matter of fact, that in the census all college students, and schoolboys also, help the census department in carrying on the enumeration. If, for instance, the same system were adopted on the polling day, if all the college students were asked to help in this matter—and I have not the slightest doubt that they would come to the rescue of the department—then surely we should have more polling officers than we need on the occasions of this sort.

It seems to me, therefore, that the difficulties of the situation are not insuperable. Let me point this out to my friends opposite who object to adult suffrage on this ground. It seems to me their position is of a somewhat curious character. Where a member of the British Delegation raises a difficulty, and says there are heaps of difficulties in the way of India, and, therefore, India must not have Dominion Status or responsible government, the gentlemen sitting opposite would not allow the English gentleman to take advantage of the difficulties; they would tell him at once: "Why, you bolster up difficulties to put down our claims. These are difficulties which surely can be met." Let me tell him that we on this side are also not prepared to allow you to take advantage of this difficulty. We say that if there are difficulties in the way of getting the power in our hands, those difficulties ought to be solved. We are not going to let you have the advantage of the situation.

Sir, so far I have dealt with the arguments which have been presented against adult suffrage. Now let me put one or two arguments which I think are in favour of adult suffrage, and which, in my opinion, are more or less decisive. The first argument that I will put is this, that you cannot have in India any system of suffrage short of adult suffrage which will give equality of representation to all the castes and communities in India; there is no other system you can devise for India which will give that result. Take, for instance, the existence of constituencies. In Bengal and in the Punjab the Muhammadans form a majority of the population. You have in Sind also, as apart from Bombay, the Muhammadans in a majority. Now what is the state of the Muhammadan communities in these Provinces? I am putting this as a feeler; my Muhammadan friends may take their stand apart from this; I am putting it as a case. What is the position of the Muhammadan communities in these Provinces under the system of franchise that we have to-day. The Muhammadans in Sind form something like 70 per cent. of the population; and yet, if I am not very much mistaken, their voting strength is only 49 per cent. Take, for instance, again Bengal and the Punjab; there again the Muhammadans predominate in population, and yet in the voting list they are in the minority. Take again the depressed classes; under the existing franchise they are nowhere at all in the electorate. I think it is a most disgraceful thing to have a franchise of this sort. You have to remember one thing: that Indian society is composed of so many castes and creeds and those castes and creeds are not related to each other in what one might call the vertical perpendicular, so that if you chop off this mass at any particular point you get a part which is representative of all the communities in an equal degree. On the other hand, if I may put it so, they are related in such a manner that the parallel grains are, so to speak, placed horizontally one on the other, so that if you chop at any particular point you get a part which is representative of one single community only or at the most two, and the rest are not represented at all. Now surely you do not want to create a system of political government in which only some castes and some communities will predominate. Surely you do not want to create in India a South Africa, where only some people will have the vote and the rest will not. I say, if you are interested in giving every man a vote, in giving every man the political franchise, so that he may work out his destiny, then you cannot have any other system of franchise in India than that of adult suffrage.

Now let me give you another example. As I say, I am not opposed to female suffrage, and I am very much obliged to our lady colleague, Mrs. Subbarayan, for supporting us in this matter. I will go with her whole-heartedly. Let me point out one or two illustrations of what has been suggested by way of enlarging and broadening the franchise. It is suggested that there should be a franchise of literacy. I do not propose to call it a fancy franchise, but let me tell you what will be the effect of it. The effect of it would be this: that some communities would have their voting strength almost doubled, while other communities would stand where they are. Literacy in India is so unevenly distributed, that some communities would have all the increase of the franchise added to their stock, while other communities would remain where they are. Surely you do not want to create that sort of situation. Therefore my submission is, that if this Conference and the members who are assembled round this table are true to their creed, believe that India must have responsible government, and that Government must be responsible to the people, then I submit there is no alternative to adult suffrage.

Then, Sir, there is one more consideraion that I would like to point out, that seems to me to be a most decisive consideration in this matter. We all of us know that the question of joint versus separate electorates is a most thorny question; it seems to me to be a very crucial question. May I point out to this Conference that, at least in my opinion, the question of joint versus separate electorates is inextricably bound up with the question of franchise. You will not ask any minority in India, you will not compel any minority in India, and you will not get the consent of any minority in India, to agree to joint electorates unless that minority has adult suffrage. I am not going to place myself under the thumb and authority of any majority government, unless I am certain that I can exercise in the elections electoral power which is commensurate with my social power. Unless I know that every man and every woman in the depressed class community will be able to exercise the vote and to determine the destiny of the candidate who is going to represent the mass of people in the country, I certainly am not going to consent to joint electorates; certainly not. I am not going to place myself in a minority position; I am not going to allow the majority to select my candidate. No, under no circumstances. And I think what is true of my minority may also be true of the Muhammadans.

I do not wish to say something that I shall have to say in another Committee, but the point is so relevant that I cannot help making a reference. You cannot in fairness ask the Muhammadans of Bengal or the Punjab to accept joint electorates unless you place them in a majority in the electorate. You cannot deny the franchise to the Muhammadans, make a minority of them in the electoral power, and then say, " Come along and have a joint electorate."

The decisiveness of this fact was acknowledged by the Nehru Committee and by three members of the Indian Central Committee.

Let me, before I conclude, make one or two remarks to my friends who will not give us adult suffrage. I made it plain at the beginning of my speech that we make the question of the grant of responsible government to India not entirely dependent on this question. Although I know that my friend and I are only two in a Conference of 80 or 90, we represent 43 millions of people.

Diwan Bahadur Ramachandra Rao : Would Dr. Ambedkar accept the proposal of Lord Zetland ?

Dr. Ambedkar : We might accept the principle. But may I say that I am receiving hundreds of letters and telegrams on the subject I have brought forward. It is a crucial thing.

Sir P. C. Mitter : What about the Central Legislature ? Does he want adult suffrage, and what size does he want the Legislature to be ?

Dr. Ambedkar : That will be a question to be decided later on. The Central Legislature, I think, ought to consist of 500 members.

Sir P. C. Mitter : And adult suffrage also ?
Dr. Ambedkar : Yes.

Lt.-Colonel Gidney : In my opinion no successful advance in responsible government is possible unless we evolve a franchise that will offer adequate representation to all interests in the country—I mean by that a franchise that will provide electorates capable of exercising a real freedom of choice upon a discrimination between policies rather than a preference of individuals. In other words, the interests of India and not of the representatives must be first considered. Before this meeting we have heard many speeches advocating various forms of franchise. We had Mr. Joshi the other day, and this morning we have had our lady colleague, Mrs. Subbarayan, and just now we have had Dr. Ambedkar advocating adult suffrage. They have made out a good case for adult suffrage, but in my opinion it is only an ideal. They have failed, I believe, to meet the practical, the administrative, and the financial difficulties involved in such a sudden departure. All the other speakers have opposed adult suffrage. It has been opposed also in the Indian Statutory Commission's Report, and the only body that has favoured it was the Nehru Committee, which, I think, is more or less out of date to-day.

I admit that adult suffrage is an ideal, and that it is the only way to give India true democracy. But is India ready for it, and would it be really to her advantage if it were introduced at once ? In my humble opinion India is not fit for adult suffrage, and to give it would be not only impracticable but dangerous.

It is true that adult suffrage has certain advantages. For instance, it would solve the present Hindu-Muslim problem, especially in the Provinces of Bengal and the Punjab. It would render unnecessary electoral qualifications such as property-holding, taxation, or educational qualifications. It would give equality of political status to men and women. It would help to secure adequate representation of the depressed classes which does not exist to-day. It would afford adequate representation to rural India and its dumb millions of labourers. These are certainly very weighty factors, and the ideals of true democracy which, if adopted, would solve many communal difficulties. But the question we have to face is whether its immediate adoption is either practicable or necessary. Apart from the dangers involved in a free vote to all adults, which recent world history has proved to be generally the harbinger of unrest, the granting of adult suffrage would end in a majority Hindu rule or hegemony which none of the other communities would at present permit. Further, it would seriously imperil the safety of all minorities. Indeed, it would spell their economic and social ruin, lead India to unrest, chaos, and strife, and hasten the day of autocracy or the rule of the majority. Mr. Joshi stressed the practice of bribery and corruption resorted to in securing votes in villages under the present system of franchise, and added that, if adult suffrage were given, this would largely cease. I entertain an opposite view, for I believe such malpractices would not only be further encouraged but would become rampant. Then again surely Mr. Joshi, as a Labour representative, is fully aware of the enormous amount of illiteracy and indebtedness that exists to-day among the poorer labouring classes of India (90 per cent. of whom, mainly Muslims, suffer from this economic canker). I feel sure that he will not deny that this is not suitable soil in which to sow the seed of adult suffrage. Moreover, has Mr. Joshi considered the vast administrative machinery that would be required or the enormous expenditure involved in working an electorate of over 100 million voters if adult suffrage were given ? Why, a large portion of India's revenue would be exhausted in such an effort, and it would only result in a complete breakdown of the machinery.

At the same time I am prepared to admit that we must make a beginning to-day if India is to achieve adult suffrage in the years to come, and this can only be done by broadening the franchise. But the question before us is to what extent this can safely be done.

In considering this it may not be out of place to note what effect any broadening of the franchise will have on the size of the Legislative Councils. It is obvious, if the franchise is broadened, the number of constituencies will *ipso facto* be increased, which would mean larger legislative councils in all the Provinces. In this connection it is generally recognised that our present constituencies are so enormous, scattered and inaccessible as to render them wholly unwieldy, so much so that it is impossible for any member to get into personal touch with his electors. For instance, take the Anglo-Indian community. Owing to their peculiar setting, they are scattered in coteries all over India. In Bengal there is only one constituency which embraces the entire Province. Can you imagine what it means in time, money and labour for any candidate to get into personal touch with his constituency ? We must therefore obviously reduce the size of our present constituencies which again must increase the size of our Councils. It will thus be seen that both these measures, *i.e.*, the widening of the franchise with the resultant creation of new constituencies, as also the splitting up of our present constituencies into smaller ones, will operate in almost doubling the strength of our present Legislative Councils. This, however, is inevitable, and not in itself undesirable, within limits.

Let me now refer to the opinions submitted in this matter. The Indian Statutory Commission Report recommends an immediate broadening of the franchise to 10 per cent. of the total population, and an increase, for the present, of the membership of the more important Provincial Councils to 200 or 250, and further recommends that after 10 years Provincial Councils should have power to set in train proposals for extending the franchise and after 15 years a second Franchise Committee should be appointed to review the progress made, so that in time India will have achieved adult suffrage. These proposals are, in the main, supported by the various Provincial Governments and the Government of India's recent despatch. To a certain extent, I support the Indian Statutory Commission's report on these points. I submit that the incessant and increasing demand for self-government (some demand it immediately) shows that the political conscience and soul of Indians has awakened and this Committee must make up

its mind whether India is to be given this; and if not to-day—when? She cannot be put off any longer. It is no use dilly-dallying and shilly-shallying with the matter. I submit that if India is to be given self-government (and the tide of her political aspirations cannot be stemmed), then the franchise must be enlarged so that her people, especially those in the villages, will be politically educated.

There is, of course, another school of thought, represented by my esteemed friend, Sir Cowasji Jehangir, who in his speech at our first sitting objected to any broadening of the franchise. I must confess I have no sympathy with this view. I have always looked upon Sir Cowasji Jehangir as an ultra-Liberal. He has now shown himself in his true colours—the colours of a Bombay merchant prince. With one breath he demands immediate full self-government for India. With the next he stoutly objects to any extension of the present franchise or enlargement of the Councils and proclaims that, " Government should be administered by responsible people " —meaning no doubt the constitutional reform " wallah "—the intelligentsia of India. Maybe his political perimeter is confined to the environs of the City of Bombay only. His idea is that the poor ignorant villager, cultivator and artisan classes must be made to pay their taxes, but they must have no voice whatever in the expenditure of that money or the administration of their own country, unless and until they pay Rs. 10/-, as in Bombay City, per mensem as house rent, or become graduates, barristers, mill-owners or, perhaps, members of the Liberal Party. Sir Cowasji Jehangir has revealed himself in his true colours—that of a financial magnate—one out to protect the rich man and the intelligentsia only. What a valuable asset he would make to the Beaverbrook-Rothermere clan. A Liberal forsooth. Why, he has proved himself a Tory of Tories. In his insatiable desire to secure more power for the Liberals, or the intelligentsia of the country, he never fails to seize an opportunity to criticise the bureaucratic government of which he was once an Executive Councillor. But he is not prepared to share that power with the Labour Party in India.

In a country like India, with its divergent castes and creeds, it is impossible to evolve any scheme for a common franchise or electorate and to obtain any practical measure of homogeneity, but I submit that whatever decision this Committee arrives at in connection with the franchise and legislative councils, it cannot and must not fail to consider certain vital points.

(*a*) There must be a settlement of the Hindu-Muslim question, without which all our labours, especially on this Franchise Committee, will be barren of result.

(*b*) There must be due provision for the safeguarding of the economic and political interests of all minorities, and of special classes and interests, however small these may be.

(*c*) There must be no difference whatever in the status of men and women. They must be given equal political rights. I consider the world in general and India in particular has neglected its women folk and their great power for good, with the result that we are witnessing the reaction to-day. Look at the lightning speed with which Indian women are awakening to a proper sense of their power and position. Are we going to thwart this, or are we going to encourage it in a substantial way? I say we must give woman her rightful place in the body politic of our Motherland—India.

(*d*) There must be a clear recognition of the impossibility of securing definitely the same proportion of voters to population with each community, and at the same time for all communities to enjoy the same franchise qualifications.

(*e*) There must be a genuine and effective representation of rural and labour interests in both electorate and elected. This is all the more necessary in the new Constitution in view of the almost unanimous desire shared even by the Indian Statutory Commission and the Government of India that the official bloc should be abolished. There is no doubt that in the present legislature the official member from the mofussil represents the view-points and needs of the millions of dumb villagers.

In our present Councils, Labour is inadequately represented. The entire attitude of the present Government, especially in the Labour and Railway Departments, has been and is against the development of Labour organisations and Trade Unions, and we have to-day seen that the Liberals in India are against giving them adequate representation or a share in the Government. One hopes that the present Royal Commission on Labour will remedy this, but I submit with all the emphasis at my command that this Committee must give its most serious consideration to the special interests of labour in India and afford it adequate representation. Government is the biggest employer of labour in India On the railways alone it employs nearly one million, and Government must, therefore, make adequate franchise provision for its employees if self-government is not to degenerate into mis-government. It is vitally necessary that the workman should be given a vote and be represented by one of his own class in the Provincial Council, so that his particular interests may be adequately impressed upon the Council. Up to now the chief function of the Government has been the protection of the labourer. Now that the Government is relinquishing its power of intervention between the rich and the poor, it would be criminal folly for it to abdicate without providing the poor and the weak with some effective means of protecting themselves—not so much an " instrument of political education " as a very necessary weapon of defence. Again, take the Anglo-Indian community. It has an economic importance in India out of all proportion to its population, mainly because it is cent. per cent. educated, and has beyond any doubt demonstrated its superior value in the way of aptitude for certain forms of employment. If its franchise and representation on the Councils are to be calculated on its population it would receive very little consideration, and yet its claims must be considered and it must be given adequate representation. The same remarks apply to the special interests of other minority communities—the Europeans in respect of their commercial and industrial stake in the country, the depressed classes with a view to elevating them to an equal position with other communities, the Indian Christians to afford them adequate employment, etc.

As regards the other points raised in the terms of reference, I should like to state that in my opinion it would not be possible to operate the same franchise qualifications for all communities in the same area. For instance, take the Anglo-Indian community with which I am most familiar. It is cent. per cent. educated and at least 80 per cent. of them have undergone military training and service, but very few indeed possess property.

I consider that military service should be accepted as a qualification for franchise. By military service I mean service in both the British and Indian Armies and the second lines of defence attached to each Army, namely the Indian Auxiliary Force and the Indian Territorial Force. I do not think that beyond what I have already indicated there is any need whatever for further special qualifications to be prescribed for women.

But I am certainly opposed to the proposals of the Indian Statutory Commission regarding the two new qualifications for women voters. I see no reason why the qualification of a woman voter should be dependent on the property of her husband, whether dead or alive. I am opposed to plural voting. Having been a member of the Legislative Assembly since its inception, and having helped in many electioneering campaigns for Provincial Councils,

it is my belief that the present system of conducting elections leaves much to be desired. It seems to me that Provincial Governments conduct elections to suit the convenience of their officers and not of the voters. There is not a sufficient number of polling booths and they are too widely scattered. This was the experience during one of the recent elections in Bengal.

Another point I desire to stress concerns the difficulty felt at election times by certain communities employed on utility services. Elections extend over one day only, whereas every day a large percentage of the voters are employed on the railways and thus unable to record their votes. I consider that polling should be allowed on two days instead of one.

I am of opinion that each Provincial Legislature should be given complete power to alter the franchise at any time after it begins to operate, and here I should like to mention a certain fact that exists in India with regard to our Legislatures. There are rules, called the Government Servants' Conduct Rules, which give power to vote but prevent electors from consulting the members whom they have elected. This is peculiar to India because our urban electorates consist mainly of Government servants, a position which does not obtain in any other part of the Empire. Some modification seems to be called for here.

The question is, how are we to effect this broadening of the franchise, and to what extent? I understand that the total voters in all electorates in India to-day are about 6½ millions, of which only about 50 per cent. have exercised the vote. I also understand the total number of educated people is about 11 millions. I believe that the total male and female adult population of British India is about 100 millions. Of this, 6½ millions already enjoy a vote. The Indian Statutory Commission Report recommends the enfranchisement of about 10 per cent. of the total population, that is, a total electorate of about 10 millions, which means an addition of 3½ millions to the present total. If we are to accept this 10 per cent. as a standard, we must devise a means by which this increase can be effected. How and from where are we to provide for this? Let us first ask ourselves two very important questions. Are we satisfied that our rural areas and the interests of our women are adequately represented by the present franchise? If not, can we look to these two fields for recruiting this additional 3½ million voters? I am personally convinced that up till now rural interests have been neglected and that the labourer has not been heard in our Legislative Councils, nor have we given our women a chance to show their worth. Indeed, one generally finds rural constituencies represented by pleader politicians who have, by divers means, qualified themselves for election in some particular rural area, and I need hardly add that the ryots rarely receive any real benefits by such representation.

My friend Sir P. C. Mitter advocated a separation of rural from urban constituencies and suggested the increase of rural constituencies by 25 per cent.

The Marquess of Zetland also advocated a more liberal franchise in rural areas, and with a view to affording a vote to every village in India he detailed a group scheme of representation called "Mukhi" (i.e. Headman), in which one vote is given to every 20 villagers who select or elect their man, who in his vote represents the views of 20 individuals—I think he included women in this?—of that particular village. These coteries of 20 villagers with one vote would, I take it, form constituencies and elect their representatives. If we divide the total adult population of India—100 millions—by 20, we get an electorate of 5 millions, and this, added to the 6½ million voters we have already, would give a total of 11½ million voters, or about 10 per cent. of the total adult population, as recommended by the Report of the Indian Statutory Commission, and generally accepted by the Provincial Governments in their official reports.

The noble Marquess desires that the existing franchise of 6½ millions should remain and continue to operate, and that alongside it the "Mukhi" system should be introduced. In this manner he hopes to enfranchise the uneducated villagers, who are the main supporters of the country, and thus give to India, but on a contracted scale, a form of adult suffrage in which all would have a voice, direct or indirect.

I should like to state there that the solution is not to be found in a docile imitation of the Western system of indirect election. Our present individual franchise of the literate voter should not be altered or restricted. It supplies the literate individual with a vote. But we must provide the illiterate masses with a vote, and this can best be done, in my opinion, by group representation. If we gave the 100 million illiterates a vote the machinery would break down, but if we divide this number by 20 in the way suggested by the noble Marquess we should have 5 million additional voters. This scheme should be worked out in detail, it being left to the villagers to form their own groups, and a register kept of selected spokesmen, who would vote by ballot at the polling stations, as at the present elections. A similar system might be followed in towns, with their floating populations. These groups should, however, form constituencies entirely separate from the ordinary territorial constituencies.

It might be a good thing to extend this group representation throughout the electorates. Its greatest value would be its immediate application; the masses would not have to wait—as advocated in the Simon Report—for a piecemeal extension of the franchise. But there is one proviso. This system, this increased franchise, must result in a genuine representation of the masses by their own men. I believe—and I think you will agree with me—that the Franchise Act of 1919 catered more for the urban electorate than for the rural electorate. The India of to-day will not tolerate this any longer.

I was certainly much impressed by the valuable advice and warning given to us by my friend Rao Bahadur Pannir Selvam as to the potential dangers attached to giving more power to the headmen of villages. He certainly speaks with great authority and with personal experience. We also know how deeply indebted the ordinary ryot is to the moneyed classes whose agents are to be found like pestilential flies in all Indian villages. Sir Cowasji Jehangir has remarked on their ignorance and lack of any political sense, while Dr. Paul, on the other hand, has shown us by his startling figures what useful citizens these villagers are and how successfully they have administered their co-operative banks. I agree with Sir Cowasji Jehangir that literacy and franchise are inseparably linked, but by literacy I do not mean what he does—academic education, the ability to make speeches—nor would I agree with the Report of the Indian Statutory Commission and other Government reports, which demand of a voter an educational qualification ranging from the fifth standard to matriculation. I submit that a tiller of the soil or a labourer has the benefit of a vocational training and education and is just as useful and intelligent a citizen as a graduate, and perhaps more so. Had Mr. Joshi based his broadened franchise on a lower level than adult suffrage, and, as a true Labour Member, asked that a vocational training or a minimum monthly salary of, say, Rs. 20 should be accepted as a qualification for a vote, I should have supported him. Indeed, I present this for the favourable consideration of the sub-Committee.

As regards women, I leave the details to the special Franchise Committee which, I take it, will soon be appointed to visit India and report on the franchise as a whole. I consider, however, that the new constitution for India should, at the very outset, provide special measures by which a certain proportion of seats in the various Legislatures shall be reserved for women, and that it should be embodied in the Statue that sex should be no disqualification. Incidentally, I should like to say how very much I have been struck with the very able memorandum

submitted by our two lady delegates and colleagues on the demands for women. In congratulating them on their very reasonable and justifiable statement of their case, I desire to assure them of my entire support.

The question is whether we are prepared to leave the present franchise of 6½ millions as it is and recommend an additional 5 millions to be recruited mainly from rural areas and women, and if so whether we agree to separate rural from urban constituencies and create separate constituencies for women. This, I believe, will be the simplest and most satisfactory procedure, and I submit it to the sub-Committee for their consideration.

I have some doubts as to the practicability of the scheme put forward by the Marquess of Zetland, for it bristles with a number of minor practical difficulties. Villages are often made and unmade within the life of a Legislative Council; villagers have a habit of migrating from one place to another; there are many districts in which the adult population seeks seasonal occupation in other districts and Provinces, as for example in the case of the tea-garden coolies and those who migrate to Burma. I should like to ask what proportion of men and women there would be among these coteries of twenty villagers and their elected spokesmen, how would any undue interference with communal electorates be avoided, and how would these coteries of twenty villagers in a village be separated into different communities? These are some of the practical difficulties involved in such a scheme; but they are not insuperable, and they must be faced. Of course, this sub-Committee may be prepared to seize the scheme as an opportunity for turning the flank of the Hindu-Muslim question by allowing joint or common electorates in rural India, which represents 70 per cent. of India's population, and so in a measure introduce and encourage the growth of nationalism in the electorates, leaving the existing 6½ millions to indulge in communal electorates when and where necessary. These two systems would no doubt in time amalgamate and gradually extend in size until India reaches adult suffrage, when we shall as a great nation work together, learn together, and do great things together.

Sir P. Sethna: The Montagu-Chelmsford Reforms gave the vote to one-tenth of the adult total male population. Fortunately no speaker has urged that the qualifications should be stiffened and the existing number of voters reduced. We have, however, conflicting views expressed by different speakers as to what should be done in future. Mr. Joshi on the last occasion, and Mrs. Subbarayan and Dr. Ambedkar to-day, have urged, and urged emphatically, the granting of adult franchise. I should have expected, if anyone was going to make such a proposal, that it would come better from Colonel Gidney, who, as he has told us, represents a community in which the percentage of literacy is cent. per cent. Fortunately, he has not done so.

Mr. Joshi's main argument was that although there is a property qualification, and because there is a property qualification, several illiterates do get the vote, whereas some literates are left out; that is his argument for giving the vote to illiterates. Dr. Ambedkar to-day is very stongly of opinion that responsible government cannot be given to the country unless there is adult suffrage. A very pertinent question was put to him from this side of the table, namely whether he thought that adult suffrage was also necessary for the Central Government; and to that his reply was very halting.

Dr. Ambedkar: I said yes.

Sir P. Sethna: He did not reply by a direct affirmative; his words, which I took down, were "I would like it very much". Then Dr. Ambedkar quoted the instance of this country, and asked us not to repeat the mistakes made here, but to profit by them. May I ask him what the conditions were in the Dominions? In the Dominions the practice has varied from Dominion to Dominion, and adult suffrage was not considered a condition precedent to responsible government, although the percentage of literacy in the Dominions was far greater than it is in India to-day.

There is, of course, the other view, which has been advanced by my friend Sir Cowasji Jehangir. I am afraid Colonel Gidney was very unfair in his attack on him. I think the reason which prompted Sir Cowasji to recommend that the existing franchise should not be altered but should be kept stationary was simply this, that the voter to-day does not exercise his right as intelligently as he might be expected to do. With that view I entirely agree; but at the same time I do not agree with him that therefore the franchise ought not to be extended. I think it ought to be extended, for it is only in that way that political sense will be created amongst the people.

How is the vote exercised here, and how is it exercised in India? In this country elections are fought on party lines, but even here the ordinary voter has hardly the time or the intelligence to think for himself; he is guided very much by the newspaper he reads every day, and it is possibly the editor of the journal he patronises who thinks for him, rather than that he thinks for himself. With us elections are, I may say, carried on on the lines of "for the Government or against the Government;" that is to say although we have political parties, they are not organised very thoroughly with the exception of one party, the National Congress, and because that party is well organised and because it carries on propaganda it does carry many of the seats. In the first elections they stood out, but in the second elections, when Congress did come in, they did capture very many seats. The other parties were not equally successful. It is believed by the masses in India that the Congress is against the Government, while all the other parties are for the Government. That tendency will certainly continue and the Congress will get yet stronger, but that again is no reason why we should not extend the franchise, because if we do that and the Congress representatives make mistakes, as they are bound to do, then in the process of time, after two or three elections, other parties will get stronger and have an equal say in the destinies of the country, as is the case in England.

With the exception of the Nehru Report it has never been recommended that adult suffrage should be granted. Some of the speakers have referred to this matter, but they have omitted to say that even the Nehru Report pointed out clearly that adult suffrage involves serious difficulties. The other bodies have varied in their recommendations. The Simon Commission recommended that 10 per cent. of the total population should have the vote, which means trebling the existing number of voters and also means that 20 per cent. of the adult male population would get the vote. The Government of India supports the extension of the franchise, but leaves it to a Committee to be appointed hereafter. The Provincial Governments also support the extension, but two or three Governments do not want to go to the same length as the Simon Commission. The Governments of Bihar and Orissa and of the United Provinces are against extending the franchise to more than double the present number of voters and Madras definitely says it wants the increase to be very limited.

We may now pass on to the qualifications which exist at present. The present qualifications are residence within the constituency coupled with the payment of land revenue or local taxes in rural areas and municipal taxes in urban areas.

Mr. Jadhav: That is not a fact.

Sir P. Sethna: You can give the correct facts when you rise to speak. All payers of income tax have the vote, and all pensioned, retired or discharged officers from the Regular Army.

Now, I for one am not for reducing the qualifications.

The qualifications are low as they are. Thanks to the Secretariat-General they are set out in a table here, which shows all the different qualifications with regard to the payment of land revenue and so on which obtain in the different Provinces. I may mention

in passing that the Secretariat has perhaps taken it for granted that Burma is to be separated, since they have not given figures for Burma.

Whilst I say the qualifications ought not to be reduced any further, I certainly attach very great importance to the recommendation made by Lord Zetland, which in my opinion is worth considering. It is a fact that rural areas to-day do not enjoy the franchise to the same extent in every province as do the urban areas, and consequently some further extension might be made there, for India is a land of villages. According to the last Census, there were 685,665 villages throughout India, and in British India 498,527. This means that in British India there are half a million villages roughly, and the population is 221,958,925, or roughly 220 millions. This gives an average of 450 per village. I heard my friend say that the average is much larger in Bengal; it may be so; but I believe that in Bengal and Madras they take them by administrative units rather than by single units. Because these villages contain on an average 450, the system which the noble Marquess has recommended is worthy of consideration, and I hope will be taken up by the Franchise Committee which is to be set up hereafter.

In short, generally, as regards women's suffrage, I am in entire sympathy with the idea of their getting a larger share in the voting than they enjoy at the present moment. According to a further list received this morning from the Secretariat, the proportion of female electors to the adult female population is from 0·2 to 1·0 per cent. That must certainly be regarded as being a very low proportion. It ought to be increased, I agree with Colonel Gidney that not in the manner suggested by the Simon Commission, but some other channels ought to be considered and thought out. While I sympathise with the memorandum which has been submitted by our lady colleagues, I certainly do not agree with one particular in that memorandum. That is in regard to the reservation of seats for them, even though it be for a period of ten to fifteen years, as has been suggested by them.

With these few words, Sir, I submit that the time has not arrived for India to have universal adult suffrage; we must wait. It is true that in England they waited long enough, and it was because they had to wait long that the task of social legislation fell to such men as Lord Shaftesbury and others. Perhaps if they had had adult suffrage earlier in the nineteenth century, social legislation might have been undertaken by the Government themselves, and not at the instance of private individuals.

Mr. Joshi: May I ask, Sir, for information, whether the Nehru Report was approved by the Indian National Liberal Party?

Sir Phiroze Sethna: It does not follow, that if you approve a report, you approve of it in every single detail.

Sir Cowasji Jehangir: There is a history behind that.

Mr. B. V. Jadhav: Sir, the speakers who have preceded me have dealt with many of the objections that were raised against universal adult suffrage, a question which was brought before this Committee by Mr. Joshi, member for the labourers. I find, Sir, that there is almost unanimity in conceding that adult suffrage is desirable, that is the goal; but some have doubts whether it will be practicable at the present time. Even the Simon Report has conceded that point, and, as we have seen, the majority in the earlier report. They claim that the franchise should be such as should be very easily manageable. Mr. Joshi, Dr. Ambedkar, and my sister, the lady member, have laid great stress upon adult suffrage, because they realise that only by that method will the communities that they represent have a chance of being represented in the Legislature. You may widen the franchise as much as you like, but it will be difficult to enfranchise the labourer, either in the city or in the rural area. The agricultural labourer has been left wholly outside with reference to getting any influence in the elections; he cannot claim any vote at all; and, however broad your franchise may be, it will be next to impossible to bring him within the purview of that franchise; he will not get a vote. So also the labourer who lives in the city will find it very difficult to come within the qualification that will give him the vote. In the City of Bombay, for instance, it is known to almost everyone there that a large percentage of the labouring population have no room in which to sleep; the majority of them sleep in the street on the footpaths and other open places. Ten or fifteen labourers come up together, hire a room in which to keep their goods; then one or two sleep there while the others sleep outside. Even if the rental qualification were lowered, only the one of them in whose name the room is rented would get a vote, while the nine or ten or fifteen others would go without a vote. However wide your franchise may be, it will be quite impossible to bring the labourer within its purview. For that purpose, Sir, to give him the vote which is his birthright, some scheme of universal adult franchise will have to be adopted.

In the same way, Sir, at present in the rural areas the franchise is given to all those who hold land paying Rs.32 or more in assessment. You may reduce that qualification to Rs. 16 or Rs.8 or whatever you like, and in that way you may increase the number of voters; but however low the franchise qualification which you adopt may be, you cannot touch the agricultural labourers, whose numbers are very large.

One conclusion that can be drawn from the debate that has been going on for these two years is that those who represent the poorer classes of people are for adult suffrage—

Mrs. Subbarayan: And women.

Mr. Jadhav: And, of course, those who do not get any vote are for adult suffrage; while those who have got more of the goods of the world are for restricting the vote as far as they can. I was very much obliged to my friend, Sir Phiroze Sethna, in that he did not propose to increase the qualification. One reason is perhaps he has broader sympathies, as he has given his support to the scheme proposed by the noble Marquess, so that I think he is on my side in saying that a scheme of universal adult suffrage should be adopted.

Then, Sir, I would read to this Committee a few lines from the Simon Report about the intentions as stated in the Montagu-Chelmsford Report. "The Montagu-Chelmsford Report, in more than one passage, indicated its intention that the franchise for the legislative Councils should be 'broad'. The franchise Committee was to 'measure the number of persons who can in the different parts of the country be reasonably entrusted with the duties of citizenship', and the limitations of the franchise were to be 'determined rather with reference to practical difficulties than to any *a priori* considerations as to the degree of education or amount of income which may be held to constitute a qualification'." This is the principle on which the Franchise Committee of 1920 was formed, and under which the elections are at present carried on.

Then, Sir, the Simon Report further says: "If, then, the number of voters is small as compared with the population, this is not due to any desire to keep the franchise limits high, but to what were felt to be administrative difficulties in the way of spreading it more widely. The system was, for the most part, a novelty: the obstacles created by widespread illiteracy, and the limited number of persons available to act as efficient Returning Officers, had to be considered and were regarded as a warning against any such inordinate and sudden extension of the franchise as might lead to a breakdown of the machinery through sheer weight of numbers." We have had experience for nearly 10 years, and I think we are in a better position to devise ways and means of carrying on elections on a larger scale.

Under the present system only 10 per cent. of the adult male population is enfranchised. There are many defects in the present system. "The adoption of property qualifications as a basis for the franchise gave a predominance and sometimes a monopoly in the vote to certain classes of the population." This is one of the most serious defects of the present system, and however wide the franchise may be, however much you may lower the franchise qualification, this defect will still remain.

"Thus, though it is true that in an agricultural country like India the bulk of the population appears extremely homogeneous in its needs and aspirations, whole sections of the population came to be excluded from the franchise." In the Province of Sind, Sir, the tenant has not got any hold at all unless he has permanent tenure, and Sind is a Province of big zemindars. The big zemindar has a vote, but the tenant has not got a vote unless he has got permanent tenure. "Chief among these are nearly all the women and the general body of the poor. In exercising the option allowed to them of enfranchising women on the same terms as men, the provincial legislatures have made a gesture of high significance. But so long as the qualification for the vote is almost entirely a property qualification, it will remain a gesture, because India's women do not own property in their own right." That is, unless they have got a husband and sons. I am reading from the Report: "Apart from Burma, the proportion of women voters is almost negligible. The case of the poor is similar. The depressed classes in Madras have 15·5 per cent. of the population (6½ millions), but provide only 4·1 per cent of the electorate; in Bombay, with 8 per cent. of the population, only 2 per cent of the electorate. In the Central Provinces, the Brahmin and the Bania have, in proportion to their numbers, not less than 100 times as many votes as the Mahar. The urban labourer is often a depressed class man, frequently migratory and always poor, and therefore largely fails to qualify for the vote. Another result of the undiluted property qualification is that the Punjab Land Alienation Act—the Act which precludes members of non-agricultural tribes from ousting members of agricultural tribes from their land—has a discriminatory effect on the enfranchisement of various classes. Again, junior members of undivided Hindu families, however high their standing and education, often have no property and pay no qualifying tax in their own right, and are thus excluded."

Thus it will be seen, Sir, that the widening of the franchise will not meet the case; a large section of people will remain without the vote, and that ought to be prevented as far as possible. "If education be the best test of capacity to use the vote, the present franchise seems largely to fail to take advantage of the material available." Therefore, "assuming that the census figures are accurate, it seems to follow that there must be a large body of literates who fail to qualify as electors." But the remedy suggested in the Simon Report that the literates should have power to vote, will add to the disparity; it will add larger numbers to the urban population voters, and the disproportion between the number of urban voters and rural voters will widen instead of decrease. The Simon Commission recommend that the present number of voters should be trebled. The present number of voters is, for the whole of India excluding Burma, 6,375,000. If that is to be trebled, it comes to about 19 millions, and the Royal Commission are of opinion that a large number of voters can be managed by the present agency that is available at the disposal of Government; they are not afraid of widening the electorate to that extent. But the widening of the electorate by lowering the franchise will not, as I have pointed out, meet the difficulty of the case; there will be large sections of the community, in fact, masses of the people, who will go without any vote; and therefore we have for that purpose to adopt universal adult suffrage, as is demanded by the Member for labour and by the Members for women. A uniform adult suffrage will give representation to all castes and communities irrespective of the property they hold, because every man in the State has an almost equal stake in its welfare and in its good.

Therefore, Sir, we have to see that some scheme of universal adult suffrage should be discovered, and I am very much indebted to the Marquess of Zetland for placing before this Committee a scheme which I think is wholly workable. It is not a direct system, it is an indirect system of election; and, although I would prefer to have a direct system, still, as a step towards the ideal, I am prepared to accept this indirect way of voting, for the purpose of giving suffrage to the vast quantity of people who have been left out of the franchise and who are likely to remain outside the limits of the franchise if the present suggestion is accepted. The suggestion of the noble Lord, Sir, you already know, and I am very glad to find that it has found acceptance by Sardar Ujjal Singh and Colonel Gidney.

The Royal Commission has laid down certain principles. Universal suffrage is the ideal. If it cannot be attained at once, it should be reached by stages. The present electorate of 6,370,000 should be at once trebled; and under present conditions it will be possible to poll that number.

Sir Cowasji Jehangir: Where are you quoting from now? Is that a quotation?

Mr. Jadhav: It is not a quotation; it is a resumé. That extension of the franchise should be secured by legislation, so as to prevent power remaining in the hands of the oligarchy.

The population, excluding Burma, is 227,238,000. Of this number 6,375,000 are at present given the vote, and of the remaining adult population 107,000,000 are without the vote, the total adult population being 113,000,000. The Royal Commission think that the present electorate should be trebled. This would still leave 94,000,000 of adult persons without a vote, and one cannot say how many decades or centuries it would take to enfranchise this vast number. I should like to support the proposal made by Lord Zetland, that in every 20 persons one should be allowed to vote. The number of 20 could be reduced perhaps after 5 years to 10, and further reduced gradually at stated periods, so that in 20 or 30 years the whole adult population should be brought on the register. The advantages of that system would be that everybody would get a vote whether direct or indirect. All communities would be provided for in proportion to their numbers. The recommendations of the Simon Commission with regard to the Despatches of Local and Central Governments concerning nominations would not be required, because the communities to which those nominations referred would have an authentic voice. At the same time there would be no necessity for a Franchise Committee to find out how to remedy the present disproportionate representation of the urban population, and so on. The work of the Franchise Committee would be very much lessened, and machinery would be provided for the automatic widening of the franchise. If the work is left for the Franchise Committee, that Committee will propose a franchise which will bring in 10 to 15 per cent. of the population, but in later years, when the local legislature choose to widen the franchise, another Franchise Committee would have to be appointed to determine how the electoral roll should be increased. All that difficulty will be done away with if the suggestion of the Noble Lord is accepted, that is to say, if we have one person voting for 20, which number in the course of years could be reduced to 15, to 10, and so on. In that way there would be no necessity for the appointment of Franchise Committees. But I hope this Committee will at once adopt the principle of universal adult suffrage.

Begum Shah Nawaz: I am in entire accord with every word my sister delegate has spoken. Universal adult suffrage would indeed be ideal if it were possible for us to introduce it immediately, but owing to practical difficulties it has still to be a goal for the future. At the same time, during this transitional period, we have to devise such ways and means as

will make the Government of the country really representative. The Simon Commission recommends that only 10 per cent. of the population should now be enfranchised. That is not sufficient, and it would make our objective very remote and distant. What I propose is that at this stage at least 25 per cent. of the population should be given the franchise. In order to broaden the franchise in rural districts, and also to make use of the training and experience of all persons on district boards and local councils, the present property qualification should be reduced to such an extent that the electorate of the local bodies should be the electorate of the Provincial Councils, and the present electorate for the Provincial Councils should be the electorate of the Central Legislature. Along with this a special qualification should be introduced enfranchising every man and woman who can read and write. This should be introduced immediately. This will be the means of giving the vote to most of the people in the urban areas, and at the same time the training and experience of the electorate for the local bodies should be utilised.

Diwan Bahadur Ramachandra Rao : There is, first of all, the question of the size of the constituency. I do not know whether this Committee or the Minorities Committee is going into the matter, but unless the size of the constituency is definitely settled on some principle any extension of the franchise will not produce the desired results. Take the Central Legislature. I represent an area of 5,000 miles square, consisting of 50,000 voters in three districts. Unless there is a proper redistribution there is bound to be a very unsatisfactory result. We have about 250 districts in India, and if two members were allowed for each, that would make a House of 500. Therefore the size of the constituencies is a very relevant consideration which will have to be gone into by the Franchise Committee.

There is another consideration, namely, that any future development of the electoral system should follow the line of plural constituencies rather than single member constituencies. In India, with its various communities, races and creeds, the creation of single member constituencies is likely to lead to a great deal of trouble. If there were plural constituencies it would be possible to accommodate the minorities and produce more harmonious working in elections than at present.

A third consideration is as regards the electoral qualifications for special constituencies and interests. Many suggestions on this point have been made during the last 10 years, and these were embodied in a memorandum which was placed before the Simon Commission by the Government of India. I should like to draw the attention of the Committee to that memorandum, which appears in Volume IV of the Simon Commission Report (Part I, page 196). Various proposals are set out there with regard to the representation of different interests—landlords, universities, commercial associations, and others. Many suggestions are made in that document with regard to broadening the franchise, and these deserve consideration. Such consideration will have to be given, I suppose, by the Franchise Committee.

Then there are a number of points as regards the removal of disqualifications. One of the questions raised is as to whether a person who has been convicted —and in these days convictions are very numerous— for political offences should remain disqualified from exercising the franchise. If that provision remained, it would disqualify a large number of people.

Sir, on the general question of adult suffrage which has been raised during the discussion, I had expected my friend Dr. Ambedkar to put forward some specific proposals.

Dr. Ambedkar : Is not adult suffrage a specific proposal ?

Diwan Bahadur Ramachandra Rao : If you are going to have adult suffrage by primary election and by secondary election, the question has to be considered very seriously and carefully. I am not prepared here and now to endorse all that has been said in regard to the holding of the primary elections, because the question requires very careful consideration, but I for one am prepared to consider adult suffrage by primary and by secondary elections. The question is very difficult and complicated. While I see, on the one hand, that the various communities will not pull their full strength unless some kind of adult suffrage is granted, I see many practical difficulties in carrying out the proposal. Dr. Ambedkar made light of the difficulties of conducting an election. I could tell him of very many difficulties in the conduct of an election, and to say that students of the schools could be entrusted with the conduct of elections is, I venture to think, futile.

It is a very responsible post, and hundreds of objections are made to the officers who conduct these elections by the various candidates and the various communities. It seems to me the difficulties of conducting an election with adult suffrage have not been at all realised. In the present circumstances, while expressing full sympathy with the desire to give every man his chance in the electoral arrangements, I am of opinion that the difficulties have not been fully realised.

(*The sub-Committee adjourned at* 1 *p.m. until* 2.45 *p.m.*)

Chairman : Ladies and gentlemen, I should like to suggest for your consideration that we might now take up the consideration of the detailed points. I do not know how far that meets with the approval of the sub-Committee as a whole.

I shall regard that as carried. The first point is "(1) Number of voters. Should the basis of the franchise be broadened ?"

With regard to that, I think everybody so far has expressed the view that the franchise should be broadened. There is the possible exception of Sir Cowasji Jehangir, but I think even he said that he would be prepared to consider what I may call the Zetland scheme in addition to the existing scheme. Some gentlemen have gone so far as to say there should be adult suffrage, and they certainly agree, therefore, that the franchise should be broadened in a very emphatic manner. I believe, therefore, I represent the unanimous opinion of the sub-Committee when I say we are all agreed the franchise should be broadened. May I ask if anyone dissents from that ? If not, that is unanimous.

Sir Cowasji Jehangir : I will not commit myself to that extent.

Sir P. C. Mitter : If Lord Zetland's scheme forms a part of it, then I will not dissent.

Chairman : Very well. The next question we have to discuss is, "if so, what increase in the number of voters is now practicable or advisable."

You will not mind my making just a few remarks on the basis of my own experience. I am an unashamed and unrepentant democrat. That does not mean I am foolish enough to pretend that democracy is a perfect system. I am fully alive—as any thinking man must be to-day—to the disadvantages of democracy ; but notwithstanding that I am alive to the disadvantages of democracy, I still believe that democracy is the best system. I do want you in India to profit by our troubles here. We have had some discussion to-day with regard to the number of representatives that are returned to the British House of Commons and the French Parliament and so on and so forth. I do not know what my colleagues in our House of Commons will think when I say this, but I do think it is giving us democrats very serious cause for anxious thought as to whether the House of Commons, as it at present exists, is capable of dealing with modern economic problems. I have not a shadow of doubt—not the least shadow of doubt—in saying that if the House of Commons, instead of consisting of 615 members, consisted, let us say, of 115, it would be a far more efficient body. Whatever else you Indian gentlemen think of, I do beg of you not to try what I might almost describe as the cowardly resort of getting out of your

franchise difficulties by building up what corresponds to a House of Commons which is absolutely unworkable. Speaking as a democrat I would ask you—because we democrats do care enormously about the possibility of working our machine efficiently—not to have in your mind (though this does not come strictly within our terms of reference) a Provincial Legislature any larger than, say, 200 to 250 in the larger Provinces. If you get it larger than that, though it is true you may make your franchise problem easier by being able to have more constituencies, I do assure you you will inevitably find that the machine you construct is not an efficient machine.

The other observation I wish to make is this. I do not know if I am the only one round this table, but certainly I am one who has had some experience as a Returning Officer in this country in two elections, in 1906 and 1910, before I took any part in politics; being very anxious to earn a couple of guineas I went and sat as a Returning Officer. I remember very well that in that village I had two or three illiterate voters, and I never shall forget the time I had with these dear old gentlemen. They said they wanted to vote for the red and the blue. I tried to get them to indicate a name, but I found the name they indicated was always the opposite one to the one for which they wanted to record their vote. They would have been quite unable to vote for a picture of a snake or a ladder. I had only some sixty voters to deal with in that village, but these few old men took up a great deal of my time.

You have to face the realities of the situation, and I ask you to consider whether it is in any sense practicable to try to construct here and now a complete system of adult suffrage.

I suggest we might answer this second question on these lines. Having said that the basis of the franchise should be broadened, we have to deal with the question of what increase in the number of voters is now practicable or advisable, and I suggest we might say, first of all, that we ought to envisage some substantial increase in the present system of direct voting. The Simon Commission suggested it should approximate to 10 per cent. of the population. That involves an increase to two or three times the present number of voters, and nearer three than two. I suggest that we take that, but that we do not stop at that. In addition to that, I suggest that we recommend some consideration of what I may call the Zetland suggestion, since Lord Zetland was good enough to make it here. That is to say, I suggest we recommend a double increase; first of all an increase in the present system of direct voting, bringing the number of direct voters up to, let us say, about 10 per cent. of the population, and in addition to that this Mukhi system, in order that those who would not be immediately enfranchised under the increase granted might, notwithstanding that, have some means of making their voice heard and their weight felt in the election. After all, we are building for a very few years at the most; our idea is that this system should be revised and brought up to date constantly, and there you would have an easy way of dealing with the situation. If you have a Mukhi system under which 20 people choose a representative, in a few years' time, as somebody has already suggested, that might come down to 15, 10, 2 or even 1, and thus you have a system which is capable of modification, adaptation and alteration.

I put it to the sub-Committee whether we could not deal with this matter on those lines, realising the great practical difficulties of the immediate adoption of adult suffrage. Could not we go a considerable step towards that goal by (1) adopting some such increase as is envisaged in the Report of the Simon Commission, but (2) adding to that this other Mukhi system?

It seems to me we are hardly qualified, at least I certainly am not, to discuss the pros and cons and details of that system here and now. It would be perfectly idle for me, never in my life having been to India, to register a vote on that question; but I do suggest we might send forth our report from this sub-Committee, which must contemplate the setting up of an expert Franchise Committee, and state in our report that, in addition to this increase in the number of direct electors, we suggest that this expert Franchise Committee should take into consideration the possibility of putting on the top of that some such system as has been suggested, in order that everybody, directly or indirectly, may have a vote and make their voice heard.

That is all I have to say, but it seems to me it is on those lines that we might most usefully focus our discussion, if that meets with your approval. I am sorry to say I have already occupied more than my five minutes; I ought to have called myself to order.

Mr. Foot: In view of the fact that every inquiry into these matters so far has pre-supposed the setting up of a Franchise Commission, I suggest we might make that the first subject for agreement. It is referred to in the latter part of your memorandum, but I assume that whatever may be our differences as to the widening of the franchise or as to the extent of the widening or as to the extent to which we should make detailed suggestions, there will be general agreement on the necessity of setting up a Franchise Commission.

We are not here to legislate for India or to prepare in anything like elaborate detail the franchise scheme, which will have to be adapted to the various circumstances of the several Provinces, and we might make it our first recommendation, on which I assume we shall be unanimous, that we advise the setting up of a Franchise Commission. I suppose it would be very much on the lines of the earlier Commission over which Lord Southborough presided. We need not indicate how it should do its work, but that should be the foundation of all the suggestions we have to make. I think we might agree now on that, because the other suggestions follow on that.

Chairman: If I may say so, I think that is a very good suggestion. I have always contemplated that it was obviously essential to set up an expert Franchise Committee. It is impossible for us to do all the work that has got to be done, nor have we time to do it. I think we shall probably agree unanimously as to the necessity for setting up an expert Franchise Committee. There may be differences of opinion as to its exact tasks, but I think everybody would agree that some expert Franchise Committee must be set up. It is on that basis, then, that we will proceed with our discussions.

Mr. Basu: What will be the object of this sub-Committee in reporting? Will our report contain the terms of reference to the Franchise Committee?

Mr. Foot: It will contain suggestions.

Chairman: We merely deal with the main suggestions.

Mr. Foot: A parallel case arose when we discussed the separation of Burma. Obviously questions of finance and defence came in there and these questions will demand careful consideration. We gave no specific directions either as to finance or defence in the sub-Committee, but said that the Committee to be set up should direct its mind to these subjects. I think if we follow the same lines here that will be about as far as we shall get.

Chairman: The question is, "If so, what increase in the number of voters is now practicable or advisable?" Mr. Joshi, you have told us your views about adult suffrage, and we have got them in mind.

Mr. Joshi: If it is intended that no more should be said about adult suffrage, let us come to our decision, but I myself feel that as you, Sir, have given us the benefit of your valuable experience, we should express our views on some of the points which you have mentioned.

Chairman: Certainly.

Mr. Joshi : I quite realise there are disadvantages in a large House, the point which you mentioned first. I am not the best judge of the merits of the English system, but at the same time if I may venture to make a remark, as you and some of your colleagues are anxious also to give your judgment on Indian conditions, I would say that I myself feel, as a student of English history, that the inability of your Parliament to deal with the questions before it expeditiously and efficiently may be perhaps due not only to the size of the House, but to other factors. It is quite true that your Parliament is not the fittest body to judge efficiently and correctly on economic questions, because you are not elected merely on economic grounds ; you are elected on several other grounds, and Parliament is not an economic council.

Moreover, while agreeing that a House containing a large number of members is a disadvantage, it is a disadvantage which we may prefer to the disadvantage of disqualifying large numbers of people in our country who have a stake in the country and in the Government. You have said, Sir, that though democracy is the best form of government, it may not be without defects. In the same way, a large House is a disadvantage, but there is no other method, perhaps, which will be better if we are anxious to have real self-government in the country.

As a matter of fact, this is not the only disadvantage from which we are going to suffer. I am told that my friends who belong to the Muhammadan community are insisting on some kind of reservation of seats or separate electorates. That is not the right kind of democracy ; it is not right to divide a community on the basis of religion, which is, after all, not the main subject of discussion in the Legislatures, but they propose it simply because it is a method which in their opinion is better than others. There may be a disadvantage in the method of separate representation ; that they may themselves admit—

Mr. Fazl-ul-Huq : No.

Mr. Joshi : All right ! But I feel, on the whole, though there may be a disadvantage in having a large House, it is much better to have it, because in the first place by that method we do try to give political and civic status to the great bulk of the people of the country.

I do not wish to repeat my arguments, but I do want to say this very clearly. To those people who will not be enfranchised, self-government has no meaning. Their condition under Indian masters will be the same, perhaps, as under British masters ; they will be the exploited class, and the Indians who will be enfranchised will be as much an exploiting class as our present British rulers. If, therefore, we want to stop that and want the poorest people in the country to feel that they are going to have real self-government, you must find some method by which they will be enfranchised. I am quite willing to discuss the difficulties, but my suggestion to you is this. Instead of deciding outright that adult suffrage is impossible, let us accept the principle that everyone should be able to exercise his vote in the elections. Let us try to find out what the difficulties are and meet those difficulties if possible. If we find, after discussing the difficulties seriatim, that nothing is possible, that by no method can everyone get a vote, then certainly the poor people in the country will have to decide once and for all whether they should be indifferent to the political progress of the country, because from their point of view self-government without the right to vote does not interest them. They are not, as I said at the beginning, out for a change of masters.

There will be proposals made for separate representation on communal lines. I want to ask my Moslem friends—

Chairman : No, Mr. Joshi, I cannot have that here, I am afraid. I must rule this out of order. That is a matter for the Minorities sub-Committee. We have heard before, in your general remarks on the second reading debate, that you are in favour of adult suffrage, and I am afraid that nothing you have heard since has made you alter your mind. We may take it that that is your opinion. If you want to add anything on this question of " If so, what increase in the number of voters is now practicable or advisable ? " by all means do so.

Mr. Joshi : All right, Sir. I want to say one word about Lord Zetland's scheme. I have not understood it properly yet. I take it he suggests that there should be a body of direct voters, and there should be another body who will be indirect voters. What I want to understand from him is this : is he going to propose that out of 100 seats in the Legislature, so many should be reserved for people who will take part in direct elections, and so many others will be reserved for people who take part in indirect elections ? That is a matter of interest to me. I want to find out how many people will be direct voters, and what will be their due quota of the seats.

Khan Bahadur Hidayat Husain : What is your suggestion ?

Mr. Joshi : I want to understand in the first place. I will tell you my suggestion. I do not accept the scheme, but I want to understand whether he proposes that the 100 seats in the Council shall be decided in proportion to the number of people who are enfranchised in one scheme, and the number of members who will represent the people by indirect election. If 6 millions is the number of people who will be directly voting, what will be the number of seats reserved for them, and what will be the number of seats reserved for the other millions that will be left ? If he proposes that the seats shall be divided in proportion to the numbers of the population, I am quite willing to consider that suggestion ; but if he simply says that people who will be directly voting will get 10 times the number of seats that those who will be voting indirectly will get, I am not prepared to consider it. He will be quite justified in putting forward a practicable scheme in order that there may be representation of all classes ; if he gives representation to each class according to its number, I am quite willing to consider his suggestion.

Lord Zetland : In a couple of sentences I can say what my view is. The question of the proportion of those who would be the members of indirectly elected seats is a matter which I think ought to be left to the expert Franchise Committee to suggest. I do not want to lay down details ; I only want to put forward the principle, namely, that those who have not got a vote under the existing system should have this opportunity of making their voices heard by means of the indirect system which I suggested. I only put forward the principle for consideration.

Mr. Joshi : The matter is only a matter of principle. If you are willing to divide the number of seats on the principle of the numerical strength of each community, I am quite willing to consider that question. It will be a kind of separate representation.

Chairman : One moment. If Lord Zetland had said any such thing, I should have felt it my painful duty to rule him out of order. The only question we are considering is : " what increase in the number of voters is now practicable or advisable ? " We are only considering a main principle ; we are not considering detail.

Mr. Jadhav : May I point out what I understand when I say that I accept Lord Zetland's suggestion. My point of view was that the same constituency should be contested or should be voted by these voters, 6 millions and so on, and also by 5 per cent. of the " mukhis " who will be brought on the register. So there will not be separate constituencies for these direct voters and for the indirect voters, but there will be the same constituency in which they will both of them vote equally.

Lord Zetland : My suggestion was understood rightly by Mr. Joshi. My suggestion was that there should be separate constituencies for the indirectly elected persons. But, there again, I do not want to lay down the law on that question. All I am concerned with is to get this proposal put before an expert Committee for consideration. I do not want to do more than that.

Mr. Foot : Could we answer number one by this, because, as I understand, Lord Zetland's proposal or suggestion may be more fitly considered under one of the subsequent heads ? Perhaps upon the first point we could simply arrive at a general conclusion : " the Committee is agreed that the franchise should be broadened ; but the extent of the increase of the electorate should be left to the Franchise Committee to determine."

Chairman : No, I do not think we can do it in that way ; that is too broad a principle ; I think we should then be washing our hands of it.

Mr. Chintamani : Mr. Chairman, I wanted to make one point clear in the general discussion, and now, with your permission, I will do so. I heard it said in the speech of Dr. Ambedkar that the Liberal Party as a body were opposed to adult franchise. I should tell him that that is not the fact. Opinion in the Liberal Party on the question of adult franchise is divided ; but from what happened at the meeting of the Liberal Party at Allahabad in 1928, I should conclude that the majority are in favour of adult franchise, and only a minority, though an influential minority, against it. I hope, therefore, he will not think that those who sit on this side of the House, as he put it, were all against the proposal that came from that side of the House. He may remember that Mr. Joshi himself is a Liberal.

Now I address myself to this first question here. I think there will be no two opinions that the question : " Should the basis of the franchise be broadened ? " should be answered in the affirmative. I must modify what I have said ; I recall that my friend Sir Cowasji Jehangir would not broaden it. I entirely disagree with him, as to the reasons which he gave as well as to the conclusions to which those reasons led him. He said that the broadening of the franchise had led to autocracy. I do not know. In your own country here the broadening of the franchise has led to your Labour Government, and if this is the kind of autocracy to which the broadening of the franchise will lead us in India, I shall not very much dread that prospect.

Then the question arises : What is the increase in the number of voters that is now practicable or advisable ? That every adult male and female inhabitant of the country should be a voter, is my answer to the second part of the question as to what is desirable. But various doubts have been expressed as to whether that would be practicable : that there would be some administrative difficulty in arranging and recording the votes of so many people may be conceded. But administrative difficulties exist in order to be overcome, and not to baffle us. If administrative difficulties were to be put forward as an extinguishing reason against a political and social advance, I do not think there would have been any progress in any country in the world ; because the permanent officials who are engaged in that administration come to believe in the perfection of things that are and in the undesirability of things that are suggested. I find that more Provincial Governments than one in India have urged, as the one supreme reason against any expansive broadening of the franchise, the administrative difficulties with which they will be confronted in making arrangements. They put forward the same reasons in 1918 when the present franchise was instituted. They have put forward similar reasons on any occasion when any reform was proposed. As a matter of fact, when an elementary reform, long overdue in India, the separation of judicial and executive functions, was decided in principle by one local Government, and the permanent officials were asked for their opinions, one District Magistrate in the United Provinces sent this reply to the Government : " In other words you invite me to state how best to put an end to myself. I decline the invitation, with thanks." Administrative difficulties must not be made our masters and must not be allowed to defeat our purposes.

If, however, the final conclusion that is reached by those with whom the decision rests should be against adult franchise at the present juncture, then in my opinion the least that could reasonably be done is for us to recommend the suggestion put forward by Mr. Srinivasan, that there should be an immediate increase of the electorate to 25 per cent. of the adult population of the country, and also to provide that at the end of every 10 years there should be such revision of the franchise laws as to enfranchise another 25 per cent., without fail every decade. In this way we shall, within a reasonable interval, get to that adult franchise which is what we should aim at.

I wish to make one more point in this connection. The argument of illiteracy has been made much use of as telling against any extensive increase of the number of voters. At the present moment there are many illiterates who are voters, and many literates who are not voters. But, whoever may raise the objection that illiteracy should be a bar to the franchise, the Government in India should not be found among those objectors, because, when Mr. Gokhale made a very excellent attempt at increasing literacy in India, the Government opposed him, one argument of the official class being that, whatever might be the result of education elsewhere, in India it had nothing but bad effects ; it merely produced the political agitator and ruined the character of the people who were educated. If it is income or property taxation, combined with a most moderate literary education—nothing more severe than that which Mr. Srinivasan suggested, and if you agree to recommend the enfranchisement of not less than 25 per cent. at the present moment, with automatic increases at the end of every 10 years, so that in time the whole population may be recognised, then I will reconcile myself to your making a qualified recommendation ; otherwise I would rather go with Messrs. Joshi and Ambedkar and say " adult franchise."

I will not take up much more of your time, but one thing I must say. Having agreed so far with Dr. Ambedkar, I must say I completely dissociate myself from the observations which he made as to the interdependence of the extension of the franchise and the responsibility of the Government. I should have thought that argument could be left exclusively to the British Statesmen who objected to the transfer of power.

Chairman : I do not think that arises now.

Mr. Chintamani : I am finishing. Do not you want me to proceed ?

Chairman : Mr. Chintamani, I do not think this arises on this discussion. What Dr. Ambedkar said was a point relevant on second reading ; I do not think it arises now.

Mr. Chintamani : I only say I disagree with those observations.

Mr. Basu : Sir, I agree with Mr. Srinivasan and Mr. Chintamani that the electorate should be increased by at least 25 per cent. of the adult poplation. Some difficulties have been put forward as militating against an increase in the number of voters ; but we should remember that for nearly half a century in India we have had local bodies which are elected : village unions, village panchayats, village boards, district boards, and so on, and either each village or group of villages consisting of seven and eight villages, has had its own peculiar organisation, which organisation is constituted by election. If we trust those village organisations to conduct the election to the Legislature, there will not be that difficulty which has been put forward as a bar to

an extension of the franchise. I therefore think this can be done with a proper utilisation of the agencies we already have. The agencies are there; if we utilise those agencies, the extension of the franchise will not stand in the way of the functioning of an extended Legislature.

As regards the increase in the number of members in the Legislature, an increased number no doubt leads to some delay; but in some elected bodies in which there are a large number of people it has been found convenient to divide up the entire body into small Committees dealing with particular subjects: one dealing with education, one dealing with finance, one dealing with public works, and so on. I believe something of that kind was suggested by the Donoughmore Committee as regards Ceylon. In that way, though the Legislature may be large, we might split up the Legislature into small Committees; the decisions of those Committees might come up before the entire Legislature for final acceptance or refusal.

The urgency of including as many of the people of the country as possible in the voting register is this: the smaller the number of voters, the more likely are the rest of the people to think that it is somebody else's government superimposed upon them without their having had any opportunity of organic action, or any power to influence that government. If we include as large a number as can reasonably be included, then we practically bring a large mass of the people into the government and to support the government, or to oppose it where the government adopt a policy opposed to the general view. I therefore agree, Sir, that the increase should be at least 25 per cent. of the adult population and that the franchise should be broadened.

Mr. Zafrullah Khan: Sir, it seems to me that the suggestions made so far on this part of the first head of discussion are easily reconcilable. I believe the general increase recommended by the Simon Commission in the number of voters is 10 per cent. of the voters, which would work out at approximately 20 per cent. of the adult population; and if we add to that the number of voters which could be drawn upon under the suggestion of Lord Zetland, that would probably bring it up to somewhere near 25 per cent. of the adult population. Therefore so far there appears to be general agreement as to the number that may be suggested subject, of course, to dissent on the ground that we should have immediate adult franchise. That is more or less agreed upon; that is to say, 25 per cent. of the adult population.

With regard to Lord Zetland's suggestion I want to put forward what I have understood it to be so that when I say that I agree with that suggestion I shall not be understood to have given my agreement to something which I understood in one way, but which might subsequently appear in Lord Zetland's report to have put been in another way. I agree to this combination of direct voters, and, as I might call them, elected or selected voters, in this way. I propose that we should give a general direction to the Franchise Committee that may hereafter be set up that there shall be an advance in the franchise on the ordinary lines, that is to say, by lowering the present qualifications to an extent approximately of at least 20 per cent. of the adult population.

Mr. Foot: Was that the proposal that was made, may I ask?

Mr. Zafrullah Khan: That is the first, to start with; that is the direct voters.

Sir Cowasji Jehangir: What is your 20 per cent.? Is it 20 per cent. of the adult population or 20 per cent. of the population?

Mr. Zafrullah Khan: It is suggested that 25 per cent. of the adult population should be immediately enfranchised.

Mr. Joshi: No, no, the total population.

Chairman: The total population.

Mr. Zafrullah Khan: I distinctly heard the word "adult."

Mrs. Subbarayan: 25 per cent. of the adult population.

Mr. Joshi: That may come to less than was recommended by the Simon Commission.

Mr. Zafrullah Khan: Then the proposal is that the direct advance should in no case be less than that suggested by the Simon Commission, and if that works out to be less than 25 per cent. of the adult population, it should certainly reach at least that point. In addition I understand Lord Zetland's suggestion to be—or at any rate I would like to put it in this way in order to give my agreement to it—that after you have your direct voters, on whatever qualifications may be suitable and may subsequently be settled, you will have a large body of adult people left outside the franchise altogether.

I understand that these people are to be grouped together in groups of 20 or 15, and each of these groups is to elect a voter. I would agree that this voter should also go on the general register. We get voters by property qualification and taxation qualification, and we should also have them by this group qualification. To the general electorate there might thus be added six, eight or ten millions drawn from those on whom the direct franchise has not been conferred under the ordinary qualifications. When these group voters have been added they must rank as do other voters who come on to the roll by virtue of a different qualification. At certain stages a man would go out of the group of indirect voters and become a direct voter. For example, A is a direct voter, and B his son is a member of a group. By the next election A may have died, in which case B, inheriting his property, becomes qualified as a direct voter and goes out of the group. The numbers in the group could be decreased. We could say that a time had come when we could add ten millions more voters to the register, and make the groups consist not of 20 but of 10. In this way we could steadily work towards the realisation of universal adult suffrage. If that is what Lord Zetland's suggestion means I would give it my support.

Begum Shah Nawaz: When I spoke of 25 per cent. what I had in mind was 25 per cent. of the whole population.

Lord Zetland: Mr. Chintamani has said that he would agree to a first instalment of 25 per cent., and then, in four instalments, one would get adult suffrage. But I would point out that one would get a great deal more than that; it would mean that every child would be enfranchised.

Mr. Chintamani: I meant the adult population.

Mr. Paul: Our acceptance of this proposition is so dependent on the precise way in which we understand Lord Zetland's scheme that I would suggest that the scheme in outline should be presented to us. It appears that it would involve an addition to the general electorate, that every voter who is elected by the group would get enfranchised as a proxy and be added to the general electoral roll.

Chairman: As I understand Lord Zetland's suggestion, it is quite plain. It is a scheme for making an addition to the existing direct electorate in order that those who have not had the privilege of a direct vote may none the less have an opportunity of making their voice heard.

Lord Zetland: I see the difference which has arisen over this particular proposal. I think the proposal as I put it forward on the first day was this, that we should have a number of separate constituencies for the group electorate, but I do not press that.

Mr. Paul: That would complicate the communal sub-divisions, would it not?

Lord Zetland : It might; but in any event I do not press it. All I ask is that this principle of indirect election should be submitted to an expert Franchise Committee for their investigation, and if that Committee came to the conclusion, as I think they might, that it would be more practical to apply the principle in the way just suggested by Mr. Zafrullah Khan, I should have no objection, namely, that the person exercising the franchise on behalf of the group should go on to the register in precisely the same way as the directly qualified voter.

Diwan Bahadur Ramachandra Rao : And vote in the same constituencies ?

Lord Zetland : And vote in the same constituencies. Personally I preferred the separate constituencies because I wanted to secure representation for the actual village population, and what I am rather afraid of is that if they vote in the regular constituencies they will be swamped. Therefore I should have preferred a scheme of separate constituencies for these voters representing groups, but I would not press that point if the Franchise Committee decided to work it in the other way.

Mr. Zafrullah Khan : In my own Province in the Punjab there are separate rural and urban constituencies already.

Diwan Bahadur Ramachandra Rao : I am unable to support the suggestion by my friend Mr. Zafrullah Khan. I would invite the attention of the Committee to one observation made by the Begum, and that is that the franchise should be extended to all those who are now on the municipal registers, the local board registers, and the registers of the village councils. If the extension of the franchise is made in that direction we shall have a great advantage. In the first place, the registers for the Provincial Legislatures will be practically the same as for the local bodies; there will be no duplication of registers. If that be made the basis of voting we shall have registers which will be useful for the extended franchise as well as for the local bodies. I think the development of the franchise should take that direction so far as existing general constituencies are concerned. As regards the voting by direct election, Mr. Joshi has been asking for the representation of Labour.

Mr. Joshi : I did not ask for separate representation at all.

Diwan Bahadur Ramachandra Rao : Now or before?

Mr. Joshi : I am talking about now.

Diwan Bahadur Ramachandra Rao : Hitherto the case has always been that Labour should be separately represented. Dr. Akbedkar has also been asking for the representation of the depressed classes. Therefore the people who have to receive representation would be all those who do not come into the other register, and both on the ground of convenience and practicability all those who do not come on to the register such as that suggested by the Begum would certainly find their representation by a system of indirect election, and it would be more convenient and proper if these were separately grouped and found their representation in the Legislative Councils by some system of indirect election. The question of proportion is a very difficult one. I think it would be impossible to accept the proposition that it should be on the basis of the population. For the very obvious reason that those who do not come on to the register would naturally swamp those who would come on. I rather think that the former should not have a preponderance of voting power for the legislature. My friends have been asking for a certain proportion of seats. I quite understand that point of view, and if they can put forward any proposal that the additions to the legislature, which have been suggested as involving 200 or 250 seats, may be made in the direction of conceding some seats to those who do not come under the first register, I think such a plan would be quite feasible. It would be more feasible than saying that votes must be given to a certain proportion of the population. What happened last time ? The Government or the Franchise Committee suggested that there should be one member for every 50,000 of the population, or something of that kind, and the Provincial Governments were directed to suggest the qualifications which would produce the quota. I think therefore that it would be a better solution to give that number of seats to these representatives, and find out their numbers by some system of indirect election.

Dr. Shafa'at Ahmad Khan : There are two points to be cleared up. The first is whether we desire to enfranchise 25 per cent. of the adult or of the total population. That is a very important point and I am afraid it has not been made clear. So far as I am concerend I shall not be able to support a proposal to enfranchise 25 per cent. of the total population immediately. I think it would be a leap in the dark. Until and unless our electorate has knowledge and experience, and I may add capacity, it will not be able to use that power effectively and efficiently. Unless we educate our electorate and prepare it gradually, systematically and thoroughly for the very important work which it will be called upon to discharge, we shall be reducing the whole system to chaos. Consequently I am strongly of opinion that we should not, in any case immediately, agree to an enfranchisement of 25 per cent. of the population.

I now come to Lord Zetland's proposal, which has been amended out of recognition. I have not been able to find out how the proposal will really work in the villages. I have had the opportunity of representing a rural constituency for the last seven years. It contains about 700 villages. One of the three sub-divisions in the constituency is absolutely impossible for travelling purposes during the rainy season. It is 300 square miles in extent, and there is no railway or motor road, and I can only go about by bullock cart. It seems to me very difficult to organise the groups of 20 villagers peaceably. There are a number of villages which are divided into various sections, with a latent hostility between them, and consequently if 20 villages are to be placed in a group it is quite likely that hostility will be aroused. What authority is going to enforce the decision as regards grouping ? It may be necessary to send a Revenue official to enforce the decision. If the intervention of an official is asked in the case of outlying villages there may be an idea that the elections throughout the Province are being officialised. If, on the other hand, you do not help these villagers by asking your officials to group them, and if you leave them to themselves, I am perfectly sure there will be a great deal of trouble in most of the villages if not all of them. Again, take the question of the organisation of the elections. At the present time an election is a very expensive affair. If a candidate stands for a constituency he will have to organise his election campaign twice unless there are separate constituencies for what is called indirect election. If those who vote directly and indirectly do so simultaneously, the expenditure will be greatly increased. Those are some of the practical difficulties which I fear will be experienced by candidates, and my proposal is that instead of this Committee commending this method suggested by Lord Zetland, all it should do at present is to refer it for consideration to the expert Franchise Committee, and that Committee may consider whether it would be applied or not.

Here and now we should not commit ourselves to the principle of the proposal, because if we do that we shall be embarking on a very novel experiment which may not succeed, and which, I fear, will not succeed.

Sir P. C. Mitter : The first point I should like to mention is that these Provincial Legislatures, even in the bigger Provinces, should not be more than roughly double the size that they are at present. Within that limit I am in favour of broadening the franchise, remembering always how best we can get true representation. As a matter of principle, therefore, I should not object very much to broadening the franchise in our towns. In our towns there are

very few practical difficulties ; the voters in the towns are more used to exercising their franchise. They have exercised the municipal franchise for fifty or sixty years, and they are better educated.

The practical difficulties are greater in the rural areas. If our object is to give effective representation to the rural areas, our sole object should be to find how best to secure that, irrespective of theories or of what obtains in other countries where the practical difficulties may not exist to the same extent. With that object in view, I venture to think the method Lord Zetland suggested, namely, setting up indirect additional seats, would serve the purpose best.

Let me explain. In my Province there are 92 seats for the general electorate. Out of those 92 seats five belong to the European groups. They are a limited number and no difficulty arises, so that those can be ruled out. Two belong to the Anglo-Indian group. As to that a question was raised by Colonel Gidney, but even if that number is increased it will not add substantially to the total number, so we may leave that out also. There are 85 others. Out of those 85, 17 or 18 are from the urban areas and 67 or 68 from the rural areas. For the whole population of 43 millions there are now 67 or 68 seats. Even if you sub-divide these constituencies considerably, if you keep to the limit of 200, 225 or 250 seats you cannot increase it very much. On the other hand, if you somewhat increase the number and give additional seats to rural areas by indirect election, you will really be giving the rural interests double representation. They will have representation on the existing franchise, and they will have another system of representation either by the 'Mukhi' system or in some similar manner.

As regards the primary voters, I do not even object to adult franchise, but that is a matter for the Franchise Committee to examine. If after examination the Franchise Committee says that adult suffrage is possible, or 85 per cent., or 75 per cent., I will accept that. Having done that, they may say that they will give power to such and such a number of primary voters to elect electors, and that again is a matter of detail. Something of the kind is done in Denmark and in a different way elsewhere. Those electors are not necessarily elected at the time of general election ; in some countries they are elected much in advance of the general election, so that their names are already on the list as electors.

Taking the case of my own Province, Bengal, we have about 5,600 villages, so that there will be a large number of voters and two or three thousand of these electors. A district which now returns one member will then return two members, one member from the general electorate and one member from this additional electorate. The members who will come from the additional electorate will be elected by the primary voters indirectly by adult suffrage. It is in that form that I would accept Lord Zetland's suggestion.

On the other hand, I would ask Mr. Zafrullah Khan to consider what will happen if his suggestion is accepted, namely, if these electors are to be considered as ordinary voters and to vote as ordinary voters. In that case they will be hardly any use ; they will be swamped by the ordinary voters. On the other hand, if they are taken as a separate group you give a more effective representation to the rural areas. However, I think that is a matter for the Franchise Committee.

We have been talking in what, if I may say so, I consider a somewhat lax manner as to whether it should be 25 per cent. of the total population or of the adult population and so on. So long as we decide that the franchise should be broadened in town areas, and broadened in another way in rural areas, I think the question is one for the Franchise Committee. In some districts less than half the population is adult because the death rate is high ; in some districts the men and women are about equal in numbers, while in others this is not the case ; particularly in urban areas there are more men than women. I think, therefore, it is not acting with a due sense of responsibility to talk about 25 per cent. or 30 per cent. or 10 per cent. or anything like that ; the better course would be to give a general direction to the Franchise Committee and let the Franchise Committee find out.

With regard to the women's vote, in my Province at any rate the women inherit. According to Hindu law, if a women has a son she does not inherit, but—

Chairman : I think this comes under 2 (iii) ; we have a special heading dealing with women.

Sir P. C. Mitter : I will finish this point in a minute, if you will allow me to do so ; I think it has some relevance. If women inherit and if they have a property qualification—I will not go into the details, which are not relevant at this stage—the real difficulty is that their names are not brought on the franchise, and therefore if you give a certain percentage and if, for reasons of education or social reasons you cannot, as a practical proposition, now bring a large number of women on the franchise, that is a point which should be borne in mind in fixing 25 per cent., 20 per cent. or 10 per cent. or whatever it may be.

Sir Cowasji Jehangir : If I may say so, I think some of us are confusing two main principles. One is how to give certain sections of the population in India a commensurate voice in the government of the country ; the other is the question of weightage for certain communities.

Several Delegates : That does not arise here.

Sir Cowasji Jehangir : It bears so strongly on the problem that in any conclusions we come to each one, speaking for the interest which he represents, is guided by that main principle.

Now, Sir, I would beg my friends the members of this sub-Committee to separate those two principles completely. There is no doubt we have all definitely come to the conclusion that certain groups and classes of people like the Depressed Classes, who under no system of broadening the franchise will get adequate representation, should be compensated by weightage. We have come to that decision, I think, or at any rate we shall come to that decision.

In the same way another very big community—they may be a minority, but they are a most important minority—the Muhammadans, although under the present franchise they do not get the same number of voters as other communities, are compensated by weightage in the Legislative Councils. The result has been that on account of that weightage, notwithstanding the fact that the franchise gives them fewer votes, they have a larger representation in the Legislature than that to which their population entitles them.

If you divide these two principles up, admitting the one and then adjusting your franchise, I think you will come to more just and more equitable results.

Chairman : You have probably cleared the ground, but all this is quite out of order. The only question we are now discussing is " If so, what increase in the number of voters is now practicable or advisable," and I must ask you to keep strictly to that.

Sir Cowasji Jehangir : I made these preliminary remarks to lead up to what I want to say now, and I will promise not to be so lengthy as I have been in this introductory part. I made these remarks because I felt the suggestion of even 25 per cent. of the whole population—

Sir Chimanlal Setalvad : Of the adult population ?

Sir Cowasji Jehangir : No, Begum Shah Nawaz said she meant 25 per cent. of the total population, but my friend Mr. Basu said 25 per cent. of the adult population. The two things are totally different, of course.

Mr. Foot : One is doubling it and the other means multiplying it by eight.

Sir Cowasji Jehangir : Yes, and therefore all these suggestions, if I may say so with due respect to the Begum, emanate from the feeling that the franchise is the foundation of the representation in the Councils. That is so in all countries.

But where we have introduced the principle of weightage for communities, that principle does not hold good.

I will now make a concrete suggestion, and my concrete suggestion is this, that in adopting the scheme suggested by Lord Zetland we should go in for direct and for indirect election. So far as direct election is concerned, I suggest there should be no further broadening of the franchise, and that the present franchise should remain as it is.

Dr. Ambedkar : No.

Colonel Gidney : That is all right.

Sir Cowasji Jehangir : That should return a certain number of representatives to the Legislature, both for urban and for rural constituencies. A large number of the population will remain without the direct vote, and for that whole block of the population the franchise should be broadened. It should be on the basis of 25 per cent. of the adult population, and they should return their representatives by the indirect system of election both in rural and urban areas. I make no distinction between the two. That will bring in industrial labour as well as agricultural labour.

Dr. Ambedkar : It will not bring in anything of the sort.

Sir Cowasji Jehangir : It has always been found very difficult to frame any scheme of franchise whereby industrial labour will be represented. My friend Mr. Joshi knows that perfectly well ; it is no new subject to either of us, and therefore, if this other proposal that I place before you is considered, it will give Labour a very fair chance of representation, over and above the representation which is secured under the present franchise.

I may make it perfectly clear that at least in the City of Bombay, where the industrial labour population is very large indeed, they do get representation in the Legislative Council of Bombay under the present franchise, over and above the members who are nominated by the Government to represent Labour. It is wrong to say that under the present system of franchise they do not get direct representation.

I contend that even under the present franchise representatives of Labour are directly returned, and therefore over and above that, if my suggestion is considered, Labour will be very fairly represented. I think my suggestion is perfectly clear and I need not repeat it, but I should like that suggestion considered. Let us divide the thing into two and lower the franchise for indirect election so that 25 per cent. of the adult population of that block may get the franchise, and then have a system of indirect election for that block.

Mr. Fazl-ul Huq : Before you allow the discussion to proceed any further, Sir, I should very much like to have one point cleared up. Does Lord Zetland put forward his suggestion as an alternative to separate electorates, or are his proposals subject to the condition precedent that separate electorates shall remain ?

Lord Zetland : I can say at once that I do not put this forward as an alternative to separate electorates.

Khan Bahadur Hafiz Hidayat Husain : I will confine myself very strictly to the question which you, Sir, have so often placed before us this afternoon, namely as to what increase in the number of voters is practicable or advisable. After having heard all the long speeches which have been made, my humble suggestion is that we should double the number of the proportion of male electors to the adult male population. If we do so we shall find that in Madras the proportion will be raised to 23 per cent. ; in Bombay it will be raised to 27 per cent. ; in Bengal, to 19 per cent. ; in the United Provinces it would go up to 25 per cent. ; in Bihar and Orissa it would go up to 9 per cent. ; in Assam it would go up to 28 per cent. ; and in the Central Provinces it would go up to just under 11 per cent. It is true that the Central Provinces and Bihar and Orissa come very low down in the list, with only 11 per cent. and 9 per cent. respectively, but we must not forget that there are large backward tracts and communities in these Provinces which have not had any representation so far ; and therefore, if we were to give them the same status as we would give to more educationally advanced Provinces, probably you would not find a sufficient number of candidates there to go round.

Now, Sir, when we are going to set up a Franchise Committee, I think it is also due to us that we should give certain instructions to that Franchise Committee on which it should frame its proposals. If adult franchise were to be the sense of this House I do not think it would be necessary to set up a Franchise Committee at all, but I suppose the sense of this House is not in favour of adult franchise. There is one consideration I should like to place before my friends on this side of the Table, namely that it is only since 1920, when the Act of 1919 was passed, that real responsibility came into the hands of the people in those subjects which were transferred. Although the framers of the Montagu Chelmsford Report thought that a convention might be established under which the official members in the Councils would not vote on subjects which were transferred, unfortunately this convention was never established in any Province, and the result was that in every Province the Ministers in charge of the transferred subjects remained under favouritism of the official bloc. The result was that not only was no party established in the Province, but real responsibility was not felt even by the Legislature itself, because all that was decided in the Cabinet was also decided generally in the Council. Therefore I say, that, however extensive the franchise may be, however you may extend it, you cannot have labour members in the Council and you cannot have depressed classes in the Council in that number in which you wish they should be, in proportion to the population. If I may be permitted to make a suggestion, it is this : why should not labour send its own members ? Why should not the depressed classes send their own members ? If all these members, labour and depressed classes, enter the Council, put their heads together, they may frame a policy which will be practicable and for the real good of the country.

Now, Sir, with regard to the suggestion made by the noble Lord, I am afraid it will not work at all. I am simply of opinion that it would not work ; for this reason, that it means indirect voting. I have represented and I am representing even now a rural constituency. Supposing we have 20 people set up in a village to elect one representative. You cannot say that those 20 will consist only of people of the depressed class, or only of Brahmins, or of this or that sub-class. You will have to put them all into a hat. What will be the result ? The result will be that the upper class man will dominate the lower class people ; people of the moneylender class will dominate those who are indebted to them. Secondly, as compared with the present electorate, you will have a body of people which will not be claimed either by this class or that class. The result will be a confusion of ideas and a confusion of feeling. I may go further and say there might be a conflict between the two bodies of people. Therefore I think, Sir, in no case could the system advocated by Lord Zetland—I think in a more or less half-hearted way—work, at least in my Province. Therefore I think if we could only double the proportion of male electors to adult male population, as it is now, you would have advanced a good bit more than is anticipated by many of us.

Colonel Gidney : Sir, I have very few remarks to make here, and I will keep to that to which you have asked us to confine our remarks. I am in agreement with an increase in the franchise, but I am afraid I cannot agree to the general principles which you have laid down, that is to say, a doubling of the present direct system of election, with the "mukhi" system added to that. I say that for this reason, that if you double the present system of direct election you give added power to the very system to which the rural areas, the labour classes and the depressed classes, are

objecting. You will give them more than the present total of 6½ millions. If you double it you would give them 13 million voters, and you would, by Lord Zetland's system, the "mukhi" system, introduce 5 million more on the basis of 20 villagers to one spokesman. That means you would get a total of 18 millions. You are now not only perpetuating the system of representation to which the labouring classes are objecting, but you are giving them in this doubling 1½ million more voters.

I suggest that, since the rural and labour people demand a complete change in the system of election, so that they will be given as good and as strong a voice as the intelligentsia, that we should pass a resolution here, or an opinion, that we accept an increase of the franchise to 25 per cent. of the adult population; and, in order to give those who are desirous of proper elections a chance of a voice in the government, that we divide those equally; in other words, we make a total separation between urban and rural areas, with different sets of constituencies; take your 25 per cent, give half of it to the rural areas and half of it to the urban areas. And we should indicate to the Franchise Committee that on the rural constituencies none but rural representatives should be appointed, spokesmen who will accept and voice the opinion of the rural man and the labourer, and not of the monied class or the intelligentsia such as exist to-day.

Dr. Ambedkar: Sir, this morning I said what I need say regarding the question of franchise; but, without prejudice of what I have stated this morning, I should like to examine the suggestions which are put forward before this Committee for the purpose of extending the franchise. I take it that this Committee is agreed that the ideal is adult suffrage. Some of us think that it ought to be realised immediately; the rest of our friends think that it ought to be evolved by stages. We have therefore put before us two concrete suggestions. One suggestion is that we should adopt the system of instalment and increase the suffrage by a graduated scheme of 25 per cent. addition to the existing voting list, say at an interval of a certain number of years. We have, on the other hand, the suggestion of our noble friend the Marquess of Zetland in which also effect is sought to be given to some realisation of this ideal of adult suffrage.

Now, comparing the two, I cannot help saying that I have a partiality for the suggestion of the noble Lord, although, as I say, I hold strongly that we must have undiluted adult suffrage. If it were a mere matter of choice between the two, I should certainly like to have a system which immediately lays the foundation of adult suffrage in preference to a system which gives some sort of suffrage to only a class of the people and postpones the fact of self-government to a large mass for a time to come. But, having said that, I cannot, as I say, give whole-hearted support to the suggestion, because I find there are certain difficulties. But, because I think that probably the noble Marquess will come to our help in meeting the difficulties which some of us feel, I propose to make one or two observations. One thing I see: that if this system of indirect elections by groups is adopted, it seems to me the depressed classes probably will not fare better under that system. I say that for this reason: the depressed classes are scattered throughout India in small numbers in every village; their life is practically dominated on all sides by powerful bodies of villagers who hold over them social and economic sway. It is possible, and I think it is also probable, that when this indirect election comes to be applied to them, such an amount of pressure may be applied by the village community on the depressed classes that, in exercising their vote, so to say, in the primary election, they may be compelled to select people who may not be their best representatives. That is a fear which I certainly have.

Another thing which I find is that if this system is to be adopted in preference to the graduated system of extending the vote by instalments, I do not understand why we should confine this to the propertied class or to any other class; I do not see why we should not extend the system in such a manner that adult suffrage should become the foundation of the system.

A Member: That is the intention.

Dr. Ambedkar: I am glad to hear that. With regard to the difficulties that have been suggested, that this would complicate the matter of separate electorates, I do not think it will, because with indirect election you can still maintain separate registers for such communities as may desire to have them. I do not think that will create any difficulty in the matter.

But, as I say, we cannot, for instance, give support to this principle unless we know really how this principle is going to work in practice, unless we know all the details about it. My concrete suggestion, therefore, is that this Committee should appoint a small sub-Committee in order to consider this system and to report upon it, so that we may be better able, with full knowledge and information, to recommend this to a Franchise Committee that may hereafter be left to work out the system. It seems to me in its raw form, if the noble Lord will excuse my using that expression, it is somewhat difficult, and it is too much of a large order for any one of us—speaking, at any rate, for myself—to give out support to this principle.

Lord Zetland: In the discussion which has arisen I think there is some misunderstanding on two points with regard to this "mukhi" system. First of all may I say that in my opinion the "mukhi" should be a genuine member of the group; that is to say, he should be a man who is not already qualified to exercise the vote as a direct elector. That meets Dr. Ambedkar's point. None of these people who are represented by "mukhis" will have property qualifications at all. If they had, they would be on the register already, and they would not be eligible to be members of a group. That is the first point.

Another point was raised as to the interference of officials in the formation of groups. Surely there are many parts of India—of course I cannot speak for all parts of India, but certainly I think in Bengal—where the groups could be organised under the supervision of the village panchayat, and an official need not come into it. Then with regard to Mr. Fazl-ul-Huq's question, this system of course would work equally well if you had separate communal electorates or if you did not. If you had separate communal electorates, you would have Muhammadan groups in the Muhammadan districts, and other groups in other districts. Those, Sir, are the three points I wanted to make clear.

Chairman: I am much obliged. I was going to say this, ladies and gentlemen. It occurs to me that we really cannot get very much further. I am rather impressed by this consideration. Here I find various people who sit round this table who are in favour of the ideal of adult suffrage, who yet are saying that our present and immediate aim should be to enfranchise 25 per cent. of the total population. Why 25 per cent.? Manifestly because they think that 25 per cent. is all that is practicable at present. But how do they know that only 25 per cent. is practicable? How do they know that as much as 25 per cent. is practicable? They cannot know. That is a matter which can really only be considered by an expert Franchise Committee. Therefore, it seems to me that we can really summarise our conclusion. Perhaps it is too much to ask for unanimity, but I believe that something like this would represent the majority view; I have jotted it down and I will read it out to you. "It was agreed that the basis of the franchise be broadened and that a large increase was desirable." Now that answers the first question. "Some difference of opinion existed, however, as to the extent to which this is now practicable, and it was realised that this Committee had not the necessary material satisfactorily to determine this question." It seems to me your 25 per cent.

is a mere guess, if I may say so. "The Simon Commission suggested such an increase in the number of electors as would bring that number up to 10 per cent. of the total population. Some of our members thought that an increase amounting to 25 per cent. of the adult population was immediately practicable. We unanimously recommend that an expert Franchise Committee should be set up and should provide for the immediate enfranchisement of a number of voters not less than 10 per cent. of the total population and for a larger number, but not more than 25 per cent. of the total population, if that should, on detailed consideration, be found practicable and desirable."

Mr. K. T. Paul : Is that the total, 24 per cent. ?

Chairman : The total. "In addition to this increase we would desire such expert Committee to consider the institution of a scheme by which all adults not entitled to a direct vote were grouped together in primary groups of about 20, so that each group might elect one of themselves as a representative who would thereby be entitled to vote in the elections to the legislatures, either in the same constituencies as the directly qualified voters, or in separate constituencies to be formed for the voters selected by the group system." Now I think that fairly summarises the sense of the meeting. I will read it again : "We unanimously recommend that an expert Franchise Committee should be set up and should provide for the immediate enfranchisement of a number of voters not less than 10 per cent. of the total population, and for a larger number, but not more than 25 per cent. of the total population, if that should, on detailed consideration, be found practicable and desirable."

Sir C. Setalvad : As to 25 per cent. of the total population, there is no unanimity.

Chairman : No, it is "if practicable." If I may just answer that, I am told there is no unanimity about 25 per cent. of the total population ; but I point out that is a mere maximum figure, and it is stated in this to be conditional upon the expert Committee finding that to be practicable and desirable.

Mr. Basu : Sir, as regards the maximum figure, it has been pointed out to you that in some of the Provinces, if the present figure is doubled, it will exceed 25 per cent.

Members : No, no ; that is of the adult population.

Chairman : Total population.

Mr. Basu : But is it necessary to put a maximum figure at all, because the Franchise Committee will be there, they will have to consider it and go into details. I think we should put the minimum figure ; that is all that is required. As regards the maximum, they may decide as to what the maximum should be.

Dr. Ambedkar : I should like to make one observation with regard to the first paragraph in your summarisation. I should like to have it stated in the paragraph which you have drawn up that the opinion of the Committee was that the extension of the franchise should be limited by considerations of administration and machinery. That was the only limitation that we thought should be put in.

Sir C. Setalvad : It is not merely administration ; there are other considerations as well.

Mrs. Subbarayan : What is practicable ?

Dr. Ambedkar : Practical means machinery. I mean the Committee might find that it was practicable with the present machinery that 50 per cent. of the population should be enfranchised.

Mr. Zafrullah Khan : Do you mean 50 per cent. of the total population ?

Dr. Ambedkar : Yes.

Mr. Zafrullah Khan : That would be slightly more than universal adult franchise.

Chairman : It is suggested that we should leave out the maximum. The whole thing is conditional on the expert Committee finding it practicable and desirable ; so that we need not have a maximum. Let us leave out the maximum. Does anyone wish me to read it again ?

Mr. K. T. Paul : If you leave out 25 per cent., if it weakens our statement, I would not agree to it.

Chairman : It does not weaken it.

Mr. Chintamani : Very often in these matters when a minimum is stated it comes to be a maximum in actual practice. If we indicate the figure 10 per cent. in our Report, it will show the Franchise Committee that is appointed that we should be contented if they secure a maximum of 10 per cent. Those of us who mentioned the figure of 25 per cent. did so as a sort of unsatisfactory compromise between the present position and adult franchise. I, for one, shall not be happy if you take it out.

Mr. Foot : Mr. Chintamani mentioned 25 per cent. of the adult population ?

Mr. Chintamani : Of the total population.

Mr. Foot : I beg your pardon.

Mr. Joshi : Sir, I am very sorry to say that you should not put down in the Report that the suggestion is a unanimous one, because I for one would not agree to it, and I reserve to myself the right of reopening the question of adult suffrage in the full Conference.

Dr. Ambedkar : That is my position too.

Mr. Joshi : It should be put down in the Report.

Chairman : Then I will strike out the word "unanimously."

Mr. Joshi : May I suggest to you that in the Report you may mention that there are certain members who advocate the establishment of adult suffrage, and they reserve to themselves the right to raise the question.

Chairman : I realise that, but I thought we had all got to compromise with each other as far as we can, because the Report which we make carries much greater weight if it is a unanimous Report. I thought we had largely met this point by saying that we would extend to a very substantial extent the direct vote, and every single adult who did not come in under the direct voting would come in under this scheme, the "mukhi scheme." Therefore you do get every single adult having a chance of making his or her voice heard.

Mr. Joshi : Have you agreed, Sir, to Dr. Ambedkar's suggestion that the question of indirect election be considered in more detail ?

Chairman : If it meets with the approval of the rest of the Committee, I think we had better say that Mr. Joshi and Dr. Ambedkar stated that they would have preferred the immediate introduction of a system of direct adult franchise. What are your views with regard to retaining 25 per cent. ? If you, Mr. Joshi, are going to dissent, I do not think the point concerns you very greatly in view of your previous point. I do not know what the Committee feels, but I suggest that we had better retain the figure of 25 per cent. It is a mere maximum (*Assent*). It is conditional upon these people finding it practicable and desirable, and if we retain it we have the great advantage of the support of my friend Mr. Chintamani. May I take it, then, that subject to the note of dissent already recorded—and I think that those who have recorded their dissent, although they would rather have had a simple immediate extension of adult franchise, realise that this is better than nothing———

Dr. Ambedkar : It would be a second best provided we knew it was going to work.

Chairman : Subject to that, are the rest of the Committee agreed ?

Sir C. Jehangir : I cannot agree to this figure, 25 per cent. or 10 per cent. in the case of direct election. In the case of indirect election I could agree.

Sir P. C. Mitter : I cannot agree to 25 per cent. until we have the whole of the facts before us.

Chairman : We are suggesting that an expert Franchise Committee be set up.

Sir P. C. Mitter : Before we fully know the facts it would not be right for us to commit ourselves.

Chairman : It would not do for us to hand over our job to the expert Franchise Committee. We are in the unfortunate position of having to make some recommendation, and we cannot say that we recommend merely that somebody else should take over our job.

Sir P. C. Mitter : I am expressing only my own personal opinion. I suggest to the Franchise Committee that there should be an increase, as large an increase as possible, and I would not have objected to 10 or 20 or 50 per cent., if I knew all the facts beforehand on which to base an opinion.

Chairman : Would you like, Sir Provash, to put in such qualification as you desire, to the effect that any recommendation both as to maximum and minimum should be entirely subject to the discretion of the Franchise Committee ? I feel that we ought to give that Committee some guidance. However, we have got near enough now, and we will take an opportunity of speaking with you about this afterwards.

Mr. Chintamani : I do not know, Sir, whether you will agree to what I am about to suggest, but there is also before us an important proposal that the Franchise Committee should be asked to devise such qualifications as will ensure, as far as possible, the same proportion of voters to population in the different communities. This was proposed by the Simon Commission, and it has been supported by several local governments. Could that be considered now ? If the Franchise Committee find it not possible they will reject it.

Chairman : I think it comes under the next head, namely, " general basis of franchise. (i) Should the franchise qualifications be the same for all communities in the same area ? " I call your attention to those words " in the same area ". Do not let us embark now on the subject of women's suffrage or anything of that sort.

Sir P. C. Mitter : I thought from what you ruled that the special interests and communal interests came under the Minorities Committee.

Chairman : We shall very likely know more about that after to-morrow. For the moment we are discussing the general basis of the franchise, and whether the qualifications should be the same for all communities.

Diwan Bahadur Ramachandra Rao : You said that you would speak to the Prime Minister and let us know whether this matter came within the province of our Committee or of the other.

Dr. Ambedkar : I should like to make one proposal. Although the question of universal adult suffrage has been pointed out by certain members of this Committee to be for the present not possible or practicable, it seems to me that it may be possible to have, at any rate, adult suffrage for the depressed classes. There is no reason why, for instance, all communities should have the same franchise—in fact, there may even be cases which we find in the practical affairs of life, that in order to reach equality of status, we may have to adopt, so to speak, methods of inequality. In the matter of treating the richer class as against the poorer, for example, we do enact certain special measures for the benefit of the latter. We tax the richer class at a higher rate than the poorer, the object being that the principle of ability to pay the tax may be realised in practice. I think that the same consideration might be applied to the depressed classes. If the object of the Committee is that all communities should be represented in equal proportion in the electorate, there is no reason why one class of people may not be treated differently from another class of people if a different sort of treatment is the only means available for the purpose. It seems to me that if, for instance, adult suffrage were applied to the depressed class and not to other communities, but other communities had a system such as Lord Zetland has suggested, it would not be in reality any difference at all, and it would not put any great pressure on the electoral machinery available in the Provinces. Having regard to the peculiar position of the depressed classes, and having regard also to the consensus of opinion that no other system of franchise would give them the vote—and without the vote there would be no solicitude expressed for them by any candidate who stands for the Legislature at the present time—I think that this Committee would not do any great harm if it recognised the application of this principle to the depressed classes.

Mr. Chintamani : I have no hesitation in answering the question before us in the affirmative, namely, that the franchise qualifications should be the same for all communities in the same area, otherwise there would be much friction and heart-burning in the same local area, a sense of favouritism and prejudice, which would not make for the friendly and trustful atmosphere so indispensable for the success of any constitution. Having said this, may I add that in my opinion the Franchise Committee should be asked to investigate the question whether it is not practicable to devise such methods as would ensure as far as possible the same proportion of voters to population in the different communities. This would remove irritation and heart-burning and promote feelings of mutual trust. I do not ask the sub-Committee to affirm that it is practicable, and I do not want the sub-Committee to commit itself to that position, but it is a point important enough to justify us in drawing special attention to it and inviting the expert Franchise Committee to give it consideration. That Committee may find that it is not practicable at all ; then we shall have the satisfaction of knowing that this important point has not been neglected, and that the reason why it has not been given effect to is simply because of its impossibility. It would be well if the sub-Committee would answer the question in the affirmative, and ask the Expert Committee to devise such qualifications as will ensure as far as possible the same proportion of voters to population in the different communities.

Dr. Shafa'at Ahmad Khan : I support Mr. Chintamani. I think that if an attempt is made to bring about an equality between the strength of the population and the voting strength of various communities, it will remove some of the grievances from which various communities suffer, and from this point of view it would be very useful if the proviso suggested by Mr. Chintamani were added as a recommendation.

Mr. Basu : I agree with Mr. Chintamani as regards the suggestion that there should be such qualifications laid down as will ensure on the electoral register a due proportion of the different communities to some extent agreeing with their proportion in the population. I would emphasise, however, that there should be no differential qualifications. The qualifications for all in any particular locality should be the same. It will create a great grievance if one community or class has one set of qualifications and another a different set. The qualifications for all should be the same, but there should be an inflow of voters on the register agreeing with their proportion in the population.

Mr. Joshi : I support Dr. Ambedkar ; at least so far as the depressed classes are concerned. We should lay it down that they should be given adult

suffrage. The depressed classes are quite different in their economic and social status, and whatever qualification may be fixed for the other communities, we shall never give the same proportion of votes to the depressed classes. They are to be treated separately, and it is far better to lay it down that they should have adult suffrage. Otherwise if they have the same qualifications as for other classes, the number of voters is bound to be lower than in the case of other communities.

Sardar Sampuran Singh : I quite agree with Mr. Chintamani that the qualifications should be the same for all communities in the same area. But this is really a question for the Minorities sub-Committee, and if we decide anything on this point it will be encroaching upon the work of that sub-Committee. If there is general agreement on that point I need not explain it further, but I should like, Sir, to have your ruling.

If you agree with me on that point I need not explain my position further, but I should like to have your ruling on this point.

Chairman : This is in order ; it is not a question for the Minorities sub-Committee.

Sardar Sampuran Singh : Then I would explain that, for example, in the Punjab there is the question of how the three communities should be represented, and that question hinges on the smallest of the three communities, the Sikhs, which is in population about 11 per cent. and in voting strength about 24 per cent. Their claim is that they should have the same weightage which the Muhammadans have in other Provinces. If they got the same weightage, their representation in the Council would come to 30 per cent.

Now, my claim is based on two grounds : on the weightage which other minorities get in other Provinces, and also on the ground that the voting strength of the Sikhs is more than double their population strength. In the same way, the Muhammadans are about 55 per cent. in the Punjab, while their voting strength is about 43 per cent. If the voting strength is to be made to correspond to the population ratio, the voting strength of the Muhammadans would be brought up to 55 per cent., and that of the Sikhs would be brought down from the present figure of 24 per cent. to 11 per cent.

That is the main case which will be before the Minorities sub-Committee, and if we are going to make any recommendations on the lines suggested they will go right to the very root of the case which is going to be presented before the Minorities sub-Committee.

This is one of the main matters which has got to be decided by this Conference, and on that ground I would submit that it may be perfectly correct that the franchise qualifications should be the same for every community in that area, but any attempt to make the voting strength the same as the population strength will bring up the whole trouble which is to be put before the Minorities sub-Committee.

Chairman : The question as it appears in the paper is, " Should the franchise qualifications be the same for all communities in the same area," and it is pointed out to me that the word " area " may be rather misleading, and that it might be better to say " in the same Province." No one is tied down to the idea that one Province must have the same principle as another, but I suppose there is no idea that little bits should be selected inside any one particular Province and given a different franchise qualification from that obtaining in other bits of the same Province. That is the sense in which I understand it.

Sir P. C. Mitter : We do have differences in different bits of the same Province.

Chairman : I am told the word " area " was put in for this reason. It is not meant to depart from what I have said, but Sind, of course, is part of Bombay, and the existing qualifications in Sind to-day are different from the qualifications in Bombay. That is why the draftsman has used the word " area " instead of the word " Province."

Sir P. C. Mitter : In Calcutta the electoral qualification is different from what it is in Howrah, on the other side of the river, because they are differently administered.

Mr. Joshi : Is the question of rural and urban included in this question ?

Chairman : No, I do not think so.

Mr. Zafrullah Khan : The previous speaker has submitted that this question goes to the root of the communal question, as it is generally described, but I do not agree with him. If there were no communal question whatever involved in this, we should even so have set before us the goal which we desire to reach in this matter of the franchise, and that goal is universal adult suffrage. That being so, every step that we take towards the achievement of this ideal is bound to have this result, that the proportion of each community—whether it is a question of separate electorates or not, or of weightage or not, or whether there is any communal question involved or not—in the voting register would either rise up to its proportion in the population or fall to its proportion in the population.

That result is bound to come about. It does not matter whether the minority question is or is not considered, and therefore the only question raised by Mr. Chintamani is this, that instead of postponing that result with regard to each community until the whole adult population may be enfranchised, we should endeavour to ease the situation and to remove several grievances that exist by seeing if it is not possible at this stage to frame the franchise qualifications in such a way as to see that the whole electorate, when it has been determined, shall from this moment, so far as may be practicable, reflect the same proportions as it is bound to reflect when we arrive at the stage of universal adult franchise.

That being so, my submission is that this question has not anything to do with the Minorities sub-Committee or with how the Minorities question shall be adjusted. The question really is that a suggestion should be made to the Franchise Committee which is to be set up hereafter that in devising these qualifications they shall have in their minds, apart from other results which ought to be achieved by those qualifications, that this may be achieved at this stage rather than at a subsequent stage when everybody will be admitted to the exercise of the franchise.

Diwan Bahadur Ramachandra Rao : What is important in this if there is not to be a general constituency, from which Hindus and Muhammadans alike will be returned ? I do not see its importance if we are to have separate constituencies.

Mr. Zafrullah Khan : Apart from the question of Muhammadans and Hindus, you will get the question of the depressed classes. If by having one qualification you will have a much larger proportion of the depressed classes admitted, while by having another they will be excluded, while the total number of electors admitted to the register may be the same in either case, by having the former qualification you will secure a greater number of the depressed classes but a fewer number of high caste people. In that way you will be able to remove one grievance. Apart altogether from communal feelings, it does not matter from this point of view whether separate electorates continue to exist or not. We do not know how long they will continue to exist. In some Provinces the Muhammadans may give them up, if they find that in the general electorate, owing to their number having been brought up to correspond to their proportion of the population, they are able to exercise the same influence on the Legislature as was the case with separate electorates. That will be one inducement to hold out when you ask the communities to go into general electorates; if they have that guarantee they may be more inclined to make that experiment.

I do not say they will give up separate electorates; I cannot discuss the minorities question here. But I can tell you this, that if you endeavour at this stage to place each community in relatively the same position with regard to its power to influence the election of the Legislature as it would be in at the time when adult universal franchise is introduced, you will be easing the situation considerably and you will remove many grievances.

Sir Chimanlal Setalvad : I agree with my friend, Mr. Chintamani, that the qualifications should be so regulated as to secure the result that the population percentage of each community may be reflected in the electoral register. If you do that, many difficult questions that are at present troubling us may, in the course of time, be automatically solved.

I do not agree with Sardar Sampuran Singh that this is infringing on the functions of the Minorities sub-Committee. All it is thought, really, is that every community which has a certain percentage in the population should, as far as possible, have a similar percentage on the electoral register, so that it can make its influence felt in the result of the elections with the full strength of its proportion in the population.

Diwan Bahadur Ramachandra Rao: If they are voting together that point is a good one, but not if they are not voting together.

Sir Chimanlal Setalvad : Further, Sardar Sampuran Singh said that if you do that in the Punjab, the Sikh community, which is only 11 per cent. of the population but which has at present 24 per cent. on the register, will lose the advantage that it has at present. That, however, is a different question altogether. If the Sikh community, as a minority community in the Punjab, requires special protection, it can claim, as it has now, a certain weightage, just as the Muhammadans in the other Provinces have a certain weightage. But that is a different question altogether, and one which will have to be considered by the Minorities sub-Committee. Any other community would be on the same footing. All that we are concerned with in this Franchise sub-Committee is to have the register so framed that it will faithfully, as far as possible, reflect the population percentage of each community. That is all that we are asking should be done at present, and it does not cut across any other question at all.

Chairman : I should like to intervene at this stage to ask you how far this represents your views? It will do as a subject for discussion. " We recommend that in any given area the franchise qualifications should be the same for all communities, but we desire that the expert Franchise Committee, in making their proposals, should bear in mind that the ideal system would, as nearly as possible, give each community a voting strength proportional to its population, and that this Committee should so contrive their franchise, so far as practicable, to bring about this result."

Sir P. C. Mitter : I suggest another addition, namely, if they are voting together in one electorate.

Chairman : I do not think, Sir Provash, that that matters very much. If you have separate electorates this point may be of comparatively small importance, but it is important to try to get the thing the same, so that, if the day ever arrives when separate electorates are done away with—I am not expressing any opinion on that; it does not concern us—then you have the ground clear, and it is a much easier terrain to work on.

Sir P. C. Mitter : I do not at all press my point.

Sardar Sampuran Singh : I should like to have my dissent noted on the second part of this, about bringing the proportion of the voting strength and the numerical strength of the community together.

Chairman : I will gladly have that inserted if you want it, but I should like to make the position plain, because I am not sure you really do dissent from that at all. You are apprehensive that this will have some result on your separate electorate. If it would, I should entirely agree with you, but it is entirely without prejudice to that point; it does not touch the point of separate electorates at all. So long as you have your separate electorate it does not affect you.

Sardar Sampuran Singh : It reduces my voting strength.

Chairman : It really does not.

Sir Chimanlal Setalvad : Your 24 per cent. remains.

Chairman : It does not affect in any way the number of members, but only the number of voters who vote for those members. I will gladly insert a note of your dissent, but I really think, if I may say so, that you are dissenting under a misapprehension.

Sardar Sampuran Singh : You may say that I object in case this brings about a reduction of my representation in the Legislature.

Chairman : It does not, but I will put that in if you like. It has nothing to do with it.

Sardar Sampuran Singh : It would eventually. My voting strength is the strong weapon in my hand; if that weapon of voting strength is taken from me, I become weak.

Mr. Chintamani : Sir, this proposition should be read in conjunction with the proposition which we have already accepted. We have not recommended a reduction of the voting strength of any part of the population; on the contrary, we have recommended that the franchise should be so widened and lowered that there will be an increase of the voting strength of all sections of the population of anything between 10 and 25 per cent. The result will be that not a single member of the Sikh community who now enjoys the vote will be deprived of it by this proposition; on the contrary, many Sikhs not now on the register are bound to come on the register as a result of our first recommendation.

The result of our second recommendation will only be this, that the voting strength of other communities proportional to the population will be increased, not that the voting strength of the Sikh community will be decreased; and surely no one can have a grievance if others are levelled up without his being levelled down. This has nothing to do with separate or joint electorates or with the proportion of representation enjoyed by any community in the Council, and therefore I do not think Sardar Sampuran Singh need dissent.

Sir Cowasji Jehangir : I quite agree in general principle with what Sir Chimanlal Setalvad has said, that all this will help to lead up to joint electorates if they are not to come immediately. But there is a point that deserves consideration, and that is, that there are some small but important communities which to-day secure representation in the joint electorates due not to their numbers but to their voting strength.

I will instance the case of my own community. In the city of Bombay, with a population of 1,200,000, the Parsis number only 45,000—45,000 out of 1,200,000. In other parts of India the question does not arise. There, however, we get our representation in the Council in joint electorates, and though I will not say this is entirely due to the fact that our voting strength is far greater than that to which our population would entitle us, nevertheless that has a very influential effect upon securing for us adequate representation, and therefore if this principle is adopted, that the voting strength should be in proportion to the population, I am afraid the representation of my small community in Bombay will be wiped out altogether.

Sir Chimanlal Setalvad : The present number of Parsis on the register will not be decreased owing to this.

Sir Cowasji Jehangir : It comes to the same thing. I have at present a proportion of one-third, but though the number may remain the same my proportion may become one-hundredth part, and therefore, to that extent, my present status will be detrimentally affected.

Notwithstanding that, I am not coming in the way of the proposal at present enunciated. Because I fully believe that joint electorates ultimately are our salvation, and if we cannot get it now, any step that will lead to it in the future should not be opposed by any one of us present. But I may, at the same time, clearly state that small communities like mine and the Sikhs in the Punjab will then require special consideration, and at that time I trust that no Delegate, whether he be Hindu, Muhammadan or any other community, will forget that very essential point. I therefore desire to make this point clear at this very stage.

Colonel Gidney : Sir, I should like to join with my friend ; I share the same fears.

Sardar Sampuran Singh : It is yet to be seen what consideration is going to be shown to us if that occasion comes. I would ask that my dissent should be recorded.

Chairman : Certainly. Then this is as I understand it : "We recommend that in any given area the franchise qualification should be the same for all communities, but we desire that the expert Franchise Committee in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportionate to its population, and that this Committee should so contrive their franchise as, so far as practicable, to bring about this result. Sardar Sampuran Singh dissented from this statement."

Mr. K. T. Paul : If there is a slight alteration of the wording, if you said : "should not be less than proportional to the population."

Sir Cowasji Jehangir : I think it might be said that this proposal should not in any way affect the voting strength of small minorities.

Sir H. Carr : Would it help the position if, after the words "for all communities", we added "in general constituencies" ? That might meet Sardar Sampuran Singh's point.

Sir Cowasji Jehangir : It would not meet my point at all.

Sir H. Carr : Of course the Sikhs are a special constituency.

Sir Cowasji Jehangir : It does not affect the question of joint or separate constituencies at all.

Colonel Gidney : It would help the special constituencies.

Sir C. Setalvad : I see the point ; what is meant, Sir, is that this applies to the general elections, not elections to represent special interests like the universities and zemindars.

Diwan Bahadur Ramachandra Rao : I have already raised the qualification for special interests, and so on.

Chairman : That is the next point ; we must dispose of this point first.

Colonel Gidney : May we add the words suggested by Sir H. Carr ?

Chairman : I do not mind, if the meeting want the words in : "for general constituencies."

Sir Cowasji Jehangir : That does not meet my point, Sir ; I do not know of any other instances, but there may be very small communities.

Sir C. Setalvad : Your point is different.

Sir Cowasji Jehangir : Separate and joint does not help us at all.

Sir C. Setalvad : It is not for the purpose of helping you ; it is for securing a distinction.

Sir Cowasji Jehangir : My point is the same as Sardar Sampuran Singh's ; I think there might be something added with regard to a very small community like my own. If the voting strength of my community is proportionate to my population, I shall get no voting strength at all.

Chairman : Is not that a point, Sir Cowasji, which ought to go before the Minorities Committee ?

Sir Cowasji Jehangir : No, we have never claimed the privileges of a minority.

Chairman : But is not that the logical result, if you are going to say : "If you extend the franchise in this way I shall be swamped ; it is true I do not lose any votes, but if the votes of other people are very much increased, I shall be in a worse position." If you say that, is not it the logical thing to say to the Minorities Committee "Now that being the position, I am not confronted with it to-day but I shall be confronted with the position to-morrow, and then when that comes, you ought to help me with regard to reservation of seats" ? Is not that the position ?

Sir C. Setalvad : May I say something about the minority which Sir Cowasji represents ? The Parsi community in Bombay, for instance, whatever there may be on the register, are such a leading community in education, commerce, industry and enterprise, that they will be at the top any way and under any circumstances ; they have been all this time.

Colonel Gidney : That does not apply to all minorities.

Sir C. Setalvad : No ; I am speaking only of the Parsis ; they have led in commerce, politics, in municipalities everywhere, because of their intelligence and public spirit.

Sir Cowasji Jehangir : Thank you for the compliment, but I think it would be very dangerous for me to accept it altogether.

Colonel Gidney : I do think that if you added the words "general constituencies", it would remove any apprehensions.

Chairman : Would it ? Because I should like to get unanimity. If I add the words "in general constituencies", does it meet Sardar Sampuran Singh's point ?

Sir C. Setalvad : It does not meet his point.

Chairman : I do not think it does. If I add the words "in general constituencies", does it meet your point ?

A Member : No.

Chairman : I thought not, and therefore I will not add it. Lord Zetland, what we have done is this. On this second point : "Should the franchise qualifications be the same for all communities in the same area", we have recommended as follows, subject to your approval : "We recommend that in any given area the franchise qualifications should be the same for all communities, but we desire that the expert Franchise Committee in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers, and that this Committee should so contrive their franchise, as, so far as practicable, to bring about this result. Sardar Sampuran Singh dissented from the last half of this proposition".

Sir Cowasji Jehangir : The first part is impracticable.

Chairman : I do not think they can do much, but we give them it.

Sir Cowasji Jehangir : I do not think it is a practicable proposition.

Chairman : Nor do I.

Sir Cowasji Jehangir : And it will knock out small communities altogether.

Chairman : The next is : " Assuming that age is not to be the only qualification, should there be (*a*) a property qualification, (*b*) an educational qualification, (*c*) any other qualification, e.g., military service ? " We will take them one by one. We will first of all discuss : " should there be a property qualification ? " We are not concerned what it should be ; we are merely concerned with the question : " Should there be a property qualification ? " We are not concerned to argue again the question of adult suffrage or anything of that sort, because this question assumes that age is not the only qualification.

Mr. Joshi : May I suggest, Sir, for the convenience of discussion, that instead of taking them one by one, we should generally discuss what should be the qualification ?

Chairman : Oh ! no !

Mr. Joshi : Or, in the alternative, I may be allowed to suggest one more qualification which is not here. That qualification is a properly understood qualification, namely the qualification of income. I am not suggesting taxes at all.

Chairman : You may certainly suggest another qualification, but it will be (*d*). At present we are discussing (*a*), a property qualification.

Sir Cowasji Jehangir : Accepted.

Chairman : Is that accepted ?

Begum Shah Nawaz : This morning I suggested that the present property qualification should be lowered in such a way that the electorate of the local Governments should be the electorate of the Central Government. I should like the Committee to consider that suggestion.

Chairman : I do not think that arises here, does it ? This is simply the question as to whether there is to be a property qualification, and I think on the assumption that age is not to be the only qualification, that is accepted.

Mr. Joshi : May I say that I am opposed to property qualification altogether. I think on the whole we have now accepted a proposition that the qualification should be such that the voting strength of each community will be the same. If we adopt property qualification, such a result is not likely to take place. The number of people who will possess property, by which I understand the Committee means landed property. I mean that the Committee really means by the word " property " either land, cultivated or uncultivated, or houses, or any other immoveable property. If that is so, the number of people in different communities who will possess this property will differ, and you will not get the result which we wish to get, namely, that the number of voters in each community should be the same as their proportion to the population. I do not propose to speak on my proposal, namely income, which in one sense is also property.

Chairman : Certainly, in every sense I think.

Mr. Joshi : If we understand that word in that sense I shall not vote against property. But now I am opposing it because property really means here landed property or house property. If " property " means income, let us make it clear that by " property " we mean income ; because the property of a working man is the labour that he puts forth, his power to work. If that is recognised as " property " I shall not be against it. But I do not want many qualifications ; I only want one qualification which will be very simple and which will give us the result which we desire, namely, that the number of voters should be in the same proportion as the population ; that will be achieved by adopting income as a basis of qualification.

Sir Cowasji Jehangir : Mr. Joshi must realise that a rental of Rs. 5 is a property qualification.

Chairman : Not only that, but rental is a property qualification and income is a property qualification.

Mr. Joshi : That will not give the desired result. My friend Mr. Jadhav pointed out that if you take rent, ten people may occupy one room, and only one of them will be enfranchised ; but if you take income then all the ten may be enfranchised. Therefore income is a better and simpler qualification.

Mr. Basu : Mr. Chairman, the misunderstanding arises out of the fact that, so far as present electoral practice in India goes, property qualification has been understood in a very limited manner. It is ownership of property, land or building, or occupation of property—that is as a tenant—or payment of income tax or some local or municipal tax. In Bengal the payment of the chowkidari tax or road cess, and payment of Government revenue up to a certain limit is sufficient ; but there is no provision in Indian law, apart from payment of income tax, by which a wage earner or those that have a certain income can come on the electoral register. That is the head and front of the objection which Mr. Joshi has urged. A man may earn say Rs. 30 a month ; he may not be the occupier of a house or rooms of the necessary annual value, but he may be, all the same, earning as much or more than a person who occupies a room on his own behalf. In India a great many people club together ; then one of them hires a small place and a great many live there. The man who hires the place has probably his vote on the register, but the others who club with him for the purposes of hiring the house and using it do not come on the register, though they may be wage earners to an equal extent with the man who is on the register. If by property qualification is meant a property qualification including the earning of an income, and the limit of income is fixed by the Franchise Committee according to the requirements of different Provinces or according to the conditions prevailing in the different districts and different localities, then it may be done, if we do not exclude the income of a man apart from any other items of property.

Colonel Gidney : Sir, I agree with what Mr. Joshi has said on this matter, because the community I represent would suffer in the same way as the labourer ; in fact my community is almost entirely a labouring community. Very few of them possess property ; in the case of most of them their property is the labour they give to the State. That being so, I would certainly object to a property qualification unless it included an income, as to which we might allow the Franchise Committee to adjudicate.

Chairman: I think it is quite plain that " property " does include income. At the present moment one of the heads of franchise in India is the payment of a certain amount of income tax. Unfortunately the way in which you judge income is by the amount of tax a man pays. Consequently the Franchise Committee may say that the payment of a very small tax, half a rupee a year, may qualify you. That is a property qualification within the meaning of these words ; therefore I gather that everybody round this table answers Yes to this question. Some members want it made plain. I think there is no objection to that : that property does not only mean landed property or rental, but also includes the franchise which comes from paying any income tax, which in its turn is dependent upon an income.

Mr. Jadhav : No, income tax is only paid on incomes of over Rs. 2000 ; persons whose incomes are below Rs. 2000 are not taxed at all. Under the scheme of Mr. Joshi they ought to have a vote.

Chairman : However that is, income is a form of property here and we can simply answer that there shall be a property qualification. We leave it to the expert Committee to say what the property qualification is to be.

Mr. Joshi : My idea in suggesting that we should discuss these heads all together was that we should be able to discuss the comparative merits and the simplicity or the complexity of these systems. If we say Yes to property qualification, and then again say Yes to income qualification, another point that arises is this : should the income from property and the income from wages be the same for qualifying a man for a vote ? My view is that if we once adopt income as the basis, whether that income comes from houses or land or from investments in the bank, it is income ; that we should simply say that a particular minimum income should be the basis whether that income comes from house property, land property or investment. That should be the basis for the calculation ; it will be a simple thing. May I again suggest that for the sake of discussion we should take all three heads together, so that we may get a better result.

Chairman : No, we had better have " income " as a separate heading : (*d*).

Sardar Sampuran Singh : I think there is some misunderstanding about the words " property qualification." As you, Sir, put it very clearly, income tax comes within property qualification, so that makes it very clear that income also comes under the head of property qualification. But as my friends are anxious to have it very clear, instead of making that a second head, would it not be better if we qualified this by saying : " a property qualification, which will also include income qualification " ?

Chairman : You see the difficulty I feel is this, there is no harm in saying : " Any property, which may include income " ; but in practice if you come to consider it, the only way in which you can prepare the list, the only way in which you can tell what income a man has got from this point of view, is to see whether he pays tax or not. Otherwise anybody may come and say : " I have got an income of this, that or the other." But still, all we are going to do, after all, is to leave this to the expert Franchise Committee. It is enough for us to say that we should place that before the Franchise Committee on the assumption that age is not to be the only qualification, that they should have to regard a property qualification, and that they might take the question of income into their consideration under the heading of " property."

Mr. Chintamani : Property, including income, or payment of tax or rent.

Chairman : Certainly, I do not think there is any objection to that, as long as we make it plain it is a matter for them to consider.

Colonel Gidney : I do not think that will meet the objection, if you will allow me to say so. When you leave it to the Committee to decide, with the remark that they should consider what amount of income would give a man a right to vote, you must remember that to-day you have to earn Rs.2000 a year before you pay income tax. That is a distinct qualification affecting those who get Rs.1999 a year. Moreover, the question of rent would not apply to many people, as has been explained by some of the members of my community. I do not think that would satisfy the community I represent ; nor would it satisfy Mr. Joshi's community.

Chairman : What are the words which the Committee would suggest ? " Including income and "? Or should it be " or "? Perhaps we might have it " and/or ". (Several Members : " Or ".) Very well, " or ".

Mr. Jadhav : At present the qualification is not the holding of property, but some other qualification. For instance, in Bombay a man may rent a room for a few rupees a month, and he is given a vote. He simply pays the rent, he does not own the room, and he is under one month's notice.

Chairman : I will consider the appropriate words to put in and submit them to you. The word " property " has given rise to ambiguity, and I will clear it up.

We pass on now to sub-class (*b*) " an educational qualification ". We have to say " yes " or " no ". Should there be any educational qualification ?

Rao Bahadur Pannir Selvam : If educationa qualifications are put in without any other qualifications I should strongly oppose the suggestion.

Chairman : Let me point out that this is not going to disqualify the people who are not educated.

Rao Bahadur Pannir Selvam : I oppose the principle that a man should get on the register merely by being educated. As one representing the Christian community I should welcome this proposal in some respects, because it would give us a larger percentage, but there is also another aspect, and I want to put forward the view of the non-Brahmin section of Madras. If this proposal were adopted the result would be that the majority would be dominated by a very small community which has had education for centuries, and which would be able to place on the electoral roll practically all its adult members. In that way the burning question of Brahmin and non-Brahmin, rather smoothing down now, would come up again. The politics of Madras would once again be dominated by the Brahmin, and the non-Brahmin masses would resent it. With the present electorate we have got about one and a half million Brahmin voters.

Sir C. Jehangir : Out of 41 millions.

Sir C. Setalvad : The whole population of Brahmins is one million. Even if they all came on the register it would be one million out of 40 millions. Can we be told how many Brahmins are on the register, and how many non-Brahmins at present ?

Rao Bahadur Pannir Selvam : About 12 to 15 per cent. of the Brahmin and 80 to 85 per cent. of the non-Brahmin. In some districts the proportion is about 25 per cent. to 75.

Sir C. Setalvad : If educational qualifications were introduced what would be the Brahmin percentage ?

Rao Bahadur Pannir Selvam : At least 50 per cent. So far as my Province is concerned—particularly my own district—we can hardly find one single Brahmin who is not literate. The difficulty will be to say who is educated and who is not. Is it going to be a mere case of capacity to sign one's name ?

Sir C. Jehangir : I am quite ready to leave it to the non-Brahmins to adjudicate in this case.

Rao Bahadur Pannir Selvam : In the absence of any representative of the non-Brahmin community of Madras, I am arguing their case. It is a question of explaining the situation. When the Montagu-Chelmsford reforms came in a separate electorate was desired by the non-Brahmins, but now, as a result of ten years' experience the number of non-Brahmins on the electoral roll has attained a fairly large proportion, and they have got a fair footing. If you introduce an educational qualification, however, it will mean that a small minority community, constituting about 3 per cent. of the population, will take on the electoral roll a part out of all proportion to their strength. By introduciug an educational qualification you will be making it impossible for the Expert Franchise Committee to act up to your instructions that the proportion on the electoral roll shall be as far as possible representative of the proportions in the population. Therefore I would oppose any suggestion that education as such without any other qualification should qualify a man for voting.

Mr. Basu : I am afraid that Rao Bahadur Pannir Selvam is fighting a shadow. In my Province of Bengal there is an educational qualification as regards the electorate to the local bodies. It consists of passing some test laid down by the Universities, and the proportion of those who qualify for that test, as compared with the general population, is so small that it does not generally matter whether they come in or not. On the other hand, if you do

not bring in these men on to the register when they are able to satisfy an educational test you create a certain difficulty. In our country, unfortunately, the schoolmasters are very much underpaid. They do not come up to the income tax standard, and therefore they are not on the register, and to that extent they are politically a dissatisfied lot, and that creates a very great amount of mischief. In the schools you will find the pay for the teachers ranging from Rs. 10 a month upwards—that is, in the primary schools. It is below the minimum standard for payment of income tax. I should like to ask the member who has brought this forward what is the percentage of Brahmin students in the schools in his own Presidency? I agree that they may be the more brilliant students, but it is not by reason of their brilliancy that they will be admitted to the register. It is simply a case of passing an educational test. I should think that the non-Brahmin would represent 90 per cent. of those on the rolls of the schools. I venture to say that the addition that will be made by reason of the educational test will be so small as to be negligible. You will find by introducing people into the electorate as a result of the educational test that you will be satisfying a small but very important class who will feel that in this way they have become associated with the affairs of the State.

Sir C. Jehangir : I think we have rather got off the point in this discussion. The question is whether the Franchise Committee should embody this form of qualification or not. It has been preceded already by two conditions. In the first place you have given a percentage for the total electorate, and you have said that one community should not have more on the electorate roll in proportion to the population than another. After those two conditions, the question is whether a third condition, that of an educational test, should be set up. If you leave out this test the Universities will be disfranchised. I think the answer to the question whether there should be an educational qualification ought to be in the affirmative. Quite definitely and simply the answer is "Yes." There can be no other answer. If the Expert Franchise Committee desire to insert this qualification, they should be allowed to do so, but it is subject, as I have said, to the two preceding conditions, which must not be infringed. The object of putting in an educational qualification is, of course, to improve the quality of the franchise.

Mr. Joshi : I feel inclined to oppose this suggestion. I do not know for whom the proposal is intended. My friend opposite has said that he wanted to include schoolmasters, but surely the schoolmaster will have some income, and by reason of that qualification he will be entitled to the vote. If you include income as a qualification—and income need not be judged by the payment of tax—then for whom is the educational qualification intended? Almost every educated man has some income, whether from property, wages, salary or investments. The only people to be benefited will be the students. I do not know whether we are going to enfranchise the students. Every other educated man will have some income, and is bound to get a vote. I have one special reason for opposing this suggestion. I see that the people who possess property and income want to get political power into their own hands, and I want to have some method by which this transference of political power will be prevented. If you leave out the educated classes and people like the schoolmasters, who may not possess property or the high income which these gentlemen will prescribe, they will join the working class and the masses in agitating for the lowering of the qualification. That is a safeguard for the working classes. I want, therefore, those educated classes who do not possess property or large incomes, not to have a special vote by reason of their educational qualifications; if they have an income they will have a vote, but by abstaining from giving them the educational qualification we shall be more likely to get the educated lower middle classes on the side of the poorer classes in demanding a lowering of the franchise limit. I quite realise the point of my friend Mr. Basu. He wants to transfer this class which agitates for lowering the franchise from the unenfranchised to the enfranchised, so that the poor uneducated classes should have no protectors and should have no people to help them in their agitation. Sir, it seems the worst thing that this Committee will do. The last safeguard for the working classes and the poor man will be removed by this.

Dr. Shafa'at Ahmad Khan : I am afraid the discussion on this subject has been side-tracked. Opposition has been offered to it not because the argument is susceptible, but because it will increase the voting qualifications of various communities. This proposal was made by the Committee appointed to operate with the Simon Commission in my Province, the U.P. It was urged by a very powerful section. It was urged that in addition to the ordinary qualifications which are enjoyed now by various classes of electors, if a person is also allowed to vote who has passed the fourth class in the elementary school it would be a great incentive to the development of primary education, and it would also increase the interest which the countryside takes in these elections. Sir, the matter was referred to the Director of Public Instruction. We wanted to know if this proposal would work, whether it would be possible to compile a list of voters on the basis of this qualification, and the Director considered the matter very carefully and came to the conclusion that it would be practicable and possible and that it could be worked. I am very strongly of the opinion that an educational qualification of a fairly high standard—not merely the ability to read and write, but of the standard, say, of the fourth form of the elementary school—should certainly be imposed. I do hold that view because if you merely insist on the ability to read and write it does not signify very much, because there is the danger of relapse into illiteracy; but if you lay down the condition that only those persons should be able to vote who have passed through a prescribed class, then it would be of great use, and would serve as a sort of incentive towards educational advance in India.

(*The sub-Committee adjourned at* 5.5. *p.m.*)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE NO. 'VI' (FRANCHISE) HELD ON 30TH DECEMBER, 1930.

Chairman : We are now discussing the question of the educational qualification. I may just remind you that the second conclusion to which we came was this: "We recommend that in any given area the franchise qualification should be the same for all communities, but we desire that the Expert Franchise Committee, in making their proposals, should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its population, and this Committee should so contrive their franchise as so far as practicable to bring about this result." I am afraid that is rather a counsel of perfection, but at the same time the only way in which we can possibly expect them to carry that out is if we give them a certain latitude; that is manifest. Therefore, in considering all these questions of educational qualifications and so on, you have to remember that unless you authorise the Franchise Committee to take these things into account, you are restricting and not enlarging their possibility of action.

Dr. Ambedkar : I should like, if I may, to ask one question with regard to the conclusion which you,

Sir, have read out, and at which you said the sub-Committee had arrived. Does that conclusion imply that the Franchise Committee will have the liberty to consider a variety of franchises for different communities, to arrive at the result that the voting strength shall be proportional to the strength of those communities ?

Chairman : I do not think that is it. We have to give guidance to the Franchise Committee ; they will fill in the details. We are, as it were, the architects, and they are the masons and builders.

Dr. Ambedkar : I understand that, but what I should like to know is whether that conclusion gives liberty to the Franchise Committee to have a different franchise for the different communities with the object of securing equality.

Chairman : No. The first sentence says that we recommend that in any given area the franchise qualification should be the same for all communities. We will now proceed with our discussion on the educational qualification.

Mr. Barooah : At our last meeting the question arose of whether education should or should not be included among the qualifications giving the right to vote. I am sorry that this question has been raised at all, for I am one of those who think that it should most certainly be included. If the present conditions in India had allowed it, I should have gone much further and should have insisted that education should not only be included as a qualification but should be regarded as an indispensable qualification.

I am afraid, Sir, that I have not been able to appreciate the force of the arguments advanced against education. It is argued that the non-Brahmins in the Madras Presidency are not sufficiently advanced in education, while the Brahmins, on the other hand, are educated almost cent. per cent., and that therefore if education in itself were to be regarded as a qualification for voting in an election the Brahmins would have the upper hand. If in any matter I am less advanced than another, surely the best thing for me to do would be to strive to raise myself to the level of that other ; it would certainly not be right for me to pull him down to my level in order to effect equality of status.

I could understand it if steps were taken to spread education among the non-Brahmins as widely as among the Brahmins. I could understand it if it were said that, since the non-Brahmins are not so well educated as the Brahmins, the standard of education which entitled a person to become a voter should be fixed as low as possible so as not to exclude educated non-Brahmins. But I do not understand how it can be said that education should not be a qualification for the franchise simply because a certain community in a certain Province happens to be less advanced in education than another community. Nor am I convinced that the non-Brahmins of Madras are really very backward ; on the contrary, I think they are a very progressive community, for they have been able to avoid asking for communal representation, and I feel sure they are sufficiently advanced to maintain their position even if a certain amount of education is considered as an alternative qualification for the franchise. But, even if the non-Brahmins were very backward, I do not see how they would be adversely affected by the inclusion of education as a qualification. Such an inclusion, even if it increases the number of Brahmin voters, cannot increase the Brahmin members in the Council. By reason of their superior numerical strength, it is the non-Brahmins who will lead the elections, and therefore they have nothing whatever to fear.

There is a class of persons such as village school-masters and office clerks. These people are able to realise the value of the right to vote and may be expected to exercise that right with discretion ; but most of these people will be excluded from the list of voters if education is not included as one of the qualifications for the franchise. Mr. Joshi would include all these people, if I understand him aright, by joining them with the unrepresented labourers and having a united agitation for universal franchise ; but such an agitation would require leaders of far greater abilities. It is only very exceptional men, such as Mr. Joshi himself, who could undertake such a thing. All of us who have had the misfortune to stand for a rural constituency in our country are aware of the huge disadvantages of an uneducated electorate.

I appeal to every member of this sub-Committee therefore, to allow a certain amount of education to be included as an alternative qualification for the franchise. In view of the present state of education in India, the standard of that qualification should be fixed as low as possible ; but unless this is done I am sure a large number of very useful and desirable persons will be debarred from voting.

Khan Bahadur Hafiz Hidayat Husain : There is one point which I should like to place before the sub-Committee, and it is this. I was somewhat surprised the other day to hear from Mr. Joshi that he did not want education to be a test for the franchise in India. Coming as I do from the United Provinces of Agra and Oudh, I want to state that if education is recognised as a qualification it will act as a spur to the compulsory education which is being introduced. To my mind the educational qualification would be the best alternative to universal adult suffrage, because as education advances the franchise will increase and the electorate will increase ; and therefore, if we cannot have adult franchise at once, we can at any rate aim at a certain educational qualification which will eventually bring the franchise within the reach of all.

Secondly, this would give a spur to education throughout India. As you know, Sir, India is very backward educationally, but the vote is considered to be a very valuable right, and it is coveted. If this right is coveted I think if education confers it, it will give a spur to the attainment of the necessary educational qualifications.

Towards the close of 1929, as a member of the United Provinces Legislative Council I moved that the franchise for district and municipal boards elections should be reduced. The Council, in spite of the opposition of the Government, accepted my amendment, and the educational franchise has been reduced to the fourth standard ; that is to say, anybody who has educational qualifications up to the fourth standard can vote in the district board elections. If education is not one of the qualifications for election to the Council, the difficulty will be that the voters in district board and municipal elections will have education as a qualification, while in the case of Council elections this qualification will not apply. I think, therefore, education to the extent of reading up to the fourth standard should be a qualification for the franchise.

Mr. Jadhav : I am one of those unfortunate persons who have had the good or bad fortune to be born in a Province which is affected by the Brahmin and non-Brahmin question. My friends who come from Bengal, Assam and the United Provinces are free from that trouble altogether, and therefore their outlook on this question is naturally quite different from my own.

Education ought to be a necessary qualification ; there is no doubt about that. But education does not mean literacy only ; a man who carries on agriculture efficiently and earns his own living and maintains a staff is not uneducated simply because he cannot write his name and has to make a mark or sign. Unfortunately for us in India, education has come to be looked on simply as a matter of being able to read and write, and hence we have this insistence on making literacy a test for the franchise.

I should like to point out that in their Report the Simon Commission lay stress on the fact that in the franchise drawn up in 1920 more favour was shown to

the urban population than to the rural population, and a larger proportion of urban inhabitants were enfranchised while a very large proportion of the rural population was left without a vote. Are we going to increase that disparity or are we going to do something which will bring these two important sections of the people into a position of equality? We see, Sir, that a very large proportion of the urban population has been enfranchised, and therefore the candidates from urban areas have got a better chance of entering the Council than the candidates from rural areas; and, if education be added as an additional test or as an additional qualification for enfranchisement, a premium will be placed upon the urban areas and the rural areas will be to that extent handicapped.

I do not mean to say that educated people should be excluded; I would, on the other hand, repeat what I said the other day, namely that I stand for universal adult franchise, and I think that every man, whether he is literate or illiterate, and every woman, whether she is able to read and write or not, should have a vote either directly or indirectly through the "Mukhi" system, as I explained before. If the new expert Franchise Committee takes up this principle and adopts it, I think that will be a very fair extension of the right of franchise, because it will go in the direction of universal adult suffrage, and then the educated man will be able to make his influence felt at the poll as well as the illiterate person.

If literacy is made a qualification then, as I have just pointed out, the number of voters in the urban areas will be enormously increased and they will preponderate, so that it will mean establishing an oligarchy of the towns; it will not be a democracy at all.

The conditions in the Madras Presidency and in the Bombay Deccan are quite different, and I regret to observe that they are not easily understandable by outsiders. It is therefore very right for them, from their point of view, to make fun of those who have the misfortune to voice the claims of the non-Brahmin communities. But I would urge with all the earnestness at my command that this qualification should not be added, because it will tend to increase the disparity that now exists, and therefore it will go against one of the principles which we have already adopted, namely that the increase in the franchise should be such as to give an equal advantage to all communities. If this additional qualification of literacy is added, that principle will have to be thrown to the winds, and I do not know whether by any other reform in the franchise it will be possible to make the proportion just and equitable.

Diwan Bahadur Ramachandra Rao: I should like to point out that so far as Madras is concerned, to which some reference has been made by my friend, the Government of Madras—which consists at present of three non-Brahmin Ministers; there is not a single Brahmin in the Executive Government—in reporting on the proposals of the Simon Commission makes a recommendation which I should like to read to you. This is the relevant portion of what is said by the Government of Madras: "The Commission, however, has found that 'the present franchise is too limited in scope to provide the material from which to build any adequate scheme of representative Government', and recommends that a new franchise committee be set up with instructions to frame such a scheme as will enfranchise about 10 per cent. of the total population, i.e., more than treble the present number of voters. The chief arguments which lead the Commission to this conclusion are (1) that the present limited franchise operates unfairly as between different classes and creeds, (2) that there is a large number of literate persons who have not got the vote, and (3) that those below the present line of qualification are in many cases just as fit for the vote as those who have it. I am to say that the Government of Madras admit the force of these arguments, especially that based on the number of literates who are not enfranchised."

Here we have a statement by the Government of Madras. There was a memorandum presented to the Simon Commission by the All-India Conference of Indian Christians. I have been told that the request for the inclusion of literates amongst the voters was strongly pressed. I am only referring to the memorandum presented to the Simon Commission by the All-India Conference of Indian Christians. In that memorandum it was strongly pressed that a large number of their community are now unenfranchised by reason of the fact that they are not in the voters list at present. The request for the inclusion of literates proceeded from them, and my friend knows very well that none of the Brahmin community appeared before the Simon Committee or presented any memorandum. Therefore my submission is that the request came not so much from the Brahmins as from other communities who feel now that a qualification by literacy should be included among the qualifications and one of them is the community to which my friend belongs.

Lieut.-Colonel Gidney: I would like to refer to this matter of literacy in franchise.—

Mr. Foot: On a point of order: are we discussing now the question of literacy, or whether there shall be an educational test? Does that simply mean literacy?

Lieut.-Colonel Gidney: Yes. It does not affect my community. I agree with my friend Mr. Jadhav that the last Franchise Committee did favour the urban constituents to the disadvantage of the rural, and if it is our desire to extend the franchise to rural areas I think we would be putting a very severe handicap on them if we insisted on what one would be inclined to interpret as an academic educational qualification. In my opinion, I think a man who has a skilled vocational education is sometimes of more importance than some of the graduates, and I think when we talk about an educational qualification we should include in that a vocational education, because a man who is skilled at the plough and the hammer is as useful as the man who just writes his name, and on behalf of the labour classes—though they are all literate—I would throw my support on the demand that education such as is demanded as a qualification should embrace vocational education.

Mr. Foot: I do not understand that we have got to exclude a man because he is not able to write his name or because he has not passed a certain standard. The emphasis that has been laid by those in favour of this proposal is that we should have an additional qualification. Therefore it seems to me that the comparison between the man who is skilled in the use of the plough and by the working of his holding and the man who can write his name is not a comparison that is relevant here. He may come in; we want to get him in under the other qualifications, but inasmuch as there is a desire to enlarge the franchise we are looking for means for its enlargement. It may be that we shall come short of adult franchise, but, looking for means for the enlargement of the franchise, surely some such qualification as has been suggested here will be in keeping with the educational advance of India. The advantage of the proposal, as it occurs to me, is this, that it will be a gradually increasing franchise. Of course I do not know what the fourth standard in India does imply. I see the Statutory Commission suggested a fifth class, which I suppose still means a fifth standard. I do not know what is the shade of difference. I should be very strongly opposed to what may be called the academic qualification. I should be very strongly opposed to a qualification that only allowed the cream of the educated classes of India to come in under that franchise. Let us have a qualification that brings in all who have made a start in that direction, all who have come into the educational field, not to the exclusion of the other, but for the enlargement of the franchise so that you may get by every means you can towards the ideal that Dr. Ambedkar has put before this Committee ultimately of an adult franchise.

Mr. Joshi : Does not Mr. Foot realise that by adding an educational qualification and fixing a limit to the total number of voters to be made immediately, you are indirectly excluding the franchise of other people ?

Mr. Foot : In answer to that question, if Mr. Joshi can satisfy me that I am restricting the franchise of other people, I would consider that as being a valid argument ; but I do not look at it from the standpoint of restriction, I look upon this proposal as being a proposal for enlargement. My answer to it is this, that supposing this qualification is not inserted, it may be that your people in India will be upon the voters' roll. The advantage of the proposal is that you will have a larger number of people upon the voters' roll. That is the reason why, as far as I can see at present, I think that the special Franchise Committee should not be excluded from taking this qualification test into their consideration.

Major Stanley : I do not think there is very much force in Mr. Joshi's argument, because as a matter of fact the limits we have laid down are very elastic ones. The Committee has 15 per cent. of the total population of India with which to play, and I think they can well fit into that the people who will come in under this qualification. But there does seem to be a certain amount of confusion with regard to the meaning of the term " educational qualification." Several of the gentlemen who spoke to-day have spoken as if it was the same as literacy. That does not seem to me at all to be the point of, certainly, the Simon Commission recommendation. We have found in this country—and no doubt you have had the same experience in India—that the literate at the age at which he leaves school may easily become an illiterate at the age at which he gets on the voters' roll, and to me the only satisfactory educational qualification is one of such a standard that it ensures that the boy has had so much educational groundwork that he will remain an educated person not only at the moment he leaves school but by the time he comes on the voters' roll at 21. Apart from that there seems to be two ways in which this question can be looked at. From the theoretical point of view nobody, I think, has advanced any argument against the inclusion of the educational qualification, and indeed I think it is difficult for anybody to do so. The majority of this Committee has turned down adult suffrage immediately, largely on the grounds that the population is not sufficiently educated to have adult suffrage, and it seems to me that if we agree to that we must also agree to the corollary that those who are sufficiently educated to exercise the franchise should be entitled to vote at the earliest possible moment. The argument against this proposal has been entirely on the practical ground that in two Provinces it will give an undue preference to certain communities and to certain interests. As Mr. Jadhav well said, those of us who are not experienced in the affairs of those Provinces are perhaps not well qualified to deal with the matter, but may I point out that the educational qualification and the various other special qualifications which we are afterwards to discuss are dependent upon the beginning of the clause, the recommendation which we give to this expert Franchise Committee, that they will so far as practicable, not over the whole of India, but in each given area, equalise the communities and the interests. It seems to me if we can in our Report satisfactorily link on to that governing direction the inclusion of an educational qualification, we shall not only be doing what is clearly right in theory, but we shall also enable the Franchise Committee to satisfy the practical fears of certain members. We shall leave it open then to the Franchise Committee to recommend an educational qualification in those provinces where this matter does not constitute any controversy, and in the Provinces where controversy does exist it will be possible for the Franchise Committee to work in, if they so desire, an educational qualification which at the same time, along with the other electoral qualifications which they will lay down, will give as far as practicable equality not only between the various religious communities but, what is perhaps even more important, between the agricultural and the urban interests. I think it would be unwise if we in this Committee were to debar entirely from the purview of the expert Franchise Committee the possibility of even considering an educational qualification, which none of us, I think, will deny is in theory a proper qualification for the exercise of the franchise.

Chairman : Ladies and gentlemen, Mr. Paul has written me a letter, which I will read to you : " I have been ill from Christmas Eve and cannot attend meeting to-morrow. I am very anxious to make one point.

" It related to Education as a qualification for franchise. My community is very strongly desirous of this as will be seen from what it told the Simon Commission when a deputation of the All-India Christian Conference waited upon it. Let me quote the words ; ' We desire that some sort of literacy qualification be also added, for instance, all Vernacular or Anglo-Vernacular Middle passed persons be included in the franchise for provincial councils.'

I am sorry I am unable to write at length just now. The arguments in favour of it are obvious."

I would just like to give you my impression, if I may, in this way. I have told you already that I am a convinced democrat. Democracy differs from autocracy in this respect : Whereas an autocracy may get along very well with an illiterate lot of people (an uneducated lot of people) a democracy cannot long flourish unless the people living in that democracy are educated. Therefore the great problem, as it seems to me, of India for the Indian democracy in the future, is to see that all the people of India get a better education. If that is right, it seems to me that you ought to make education a big thing, and you do enhance the dignity and importance of education considered as an abstract principle if you make it plain that a voter is entitled to be a voter because he is an educated person.

Mr. Foot : Amongst other reasons.

Chairman : Amongst other reasons. I quite agree with Mr. Foot that we are not seeking in this clause to restrict the franchise ; we are seeking to add an additional qualification, and from that point of view in order that we may all stress the importance of education, I would urge you all to sink those practical difficulties—which I fully realise—in order that we may, if possible, give a unanimous vote to demonstrate that we really believe and we do feel that in the education of the masses of India lies the prosperity of the India of the future. I would, therefore, ask you to agree with me in saying that one of the subjects which the Franchise Committee may take into consideration as an additional qualification is that of some standard of education. Personally I rather agree with Major Stanley, that I think the standard which you would exact would be such a standard as would make it improbable that the person who passed that standard might in a few months lapse back and no longer be fit to retain that standard. But that is a point, after all, which the Franchise Committee would consider. Just as we have, in question A, the property qualification, answered it, in order to meet Mr. Joshi's requirements in a very wide way, namely, we recommend that there should be a property qualification, and we use the word " property " in the widest sense so as to include not only landed property but other property, even including income—just as we have said that, so I should suggest to you that we say here that the Franchise Committee ought to favourably take into consideration the additional qualification of an educational qualification.

That is the proposal I make to the Committee. Can I modify that or qualify that in any way so as to meet you ? I should like a unanimous conclusion if I could get it.

Mr. Foot : May I ask those who are holding up their hands whether they would wish to exclude, as we have said, from the purview of the Expert

Franchise Committee, the setting up of this qualification ? Surely, if the Expert Franchise Committee would be not alone in taking this into consideration, they could not desire that.

Mr. B. V. Jadhav : I suggest that the word " favourably " be left out.

Rao Bahadur Pannir Selvam : The Franchise Committe should bear in mind that this qualification should not create undue disparity between the different communities.

Chairman : We can make all our representations here subject to that ; all our recommendations can be subject to that.

Rao Bahadur Pannir Selvam : I am afraid that this recommendation so far as my Province is concerned will be conflicting.

Chairman : I think I see the sense. I will draw up these resolutions. We must have another meeting to consider the report. I think I can make it plain that our recommendations here are all subject to that over-riding consideration which we passed before. So far as possible the ideal system would be to devise such a Franchise that everybody would be represented.

Now we will pass to the next thing " (*c*) any other qualification, *e.g.*, military service." I take it we should all agree that in enlarging the franchise as we are going to do we certainly should not want to do away with any of the existing qualifications. The question would rather be here, I should think, as to whether anybody has got any other qualification which they want to add.

Lieut.-Colonel Gidney : Regarding the military qualification, I think in the 1919 Franchise Report it was recommended that the military qualification refers only to service in the Indian or British armies. Each of these armies has a second line of defence, for instance, the Auxiliary Force and the Indian Territorial Force. I consider the franchise should be given to members of those two forces, because they are really performing services in India to-day and are called upon for service abroad in the Indian Territorial Force. I suggest that the franchise be extended to these two lines.

Mr. Basu : The only difficulty about that is that the military forces include Cadet Corps attached to schools and colleges, and some of the members are quite young boys.

Mr. Joshi : My opposition to this proposal is that I believe we should have one single qualification, namely, that of income, including wages, and that we should not go on adding special qualifications. I oppose military service or any other service as a qualification. I do not agree that military service is more important than service in industry.

Chairman : So far as military service is concerned we are faced with the fact that it exists, and the real question is at the moment whether it is practicable to go further and tell the Expert Franchise Committee that they may consider also the Territorial Forces.

Lieut.-Colonel Gidney : And the Auxiliary Forces.

Chairman : Is there any objection to telling the Expert Franchise Committee that they may consider the extension of the military qualification to the Auxiliary and Territorial Forces ?

Diwan Bahadur Ramachandra Rao : On the question of any other qualification, I should like to point out that if a person is a voter in any municipal or local board area he ought to be placed in the voters list for the Legislature. The qualifications for the Legislature are certainly higher than those for membership of a local board—at least they are so in Madras. But I would add as a qualification, that of being a voter in a local board area.

Rao Bahadur Pannir Selvam : In my Province the qualification for voters for local boards is adult franchise. The elections are held by the villagers gathered together, and the voting is done by show of hands. That will mean adult franchise over again.

Sir P. C. Mitter : I do not think it would be wise to make such a recommendation, at least so far as concerns my own Province. We had better leave the matter to the expert Franchise Committee ; it would be dangerous to commit ourselves.

Chairman : That seems to be the sense of the meeting, that we should not make any special recommendation regarding this matter.

Mr. Joshi : On that word " income ", Sir, I should like to make it definitely to include wages, paid either in cash or in kind.

Chairman : We shall have to consider that on the report stage. I will endeavour to draft something to meet the case.

We now come to 2 (iii), " Do the recommendations made under (i) and (ii) above provide sufficiently for the enfranchisement of women ? If not, should any special qualifications be prescribed for them ? "

Begum Shah Nawaz : There is no such thing as a feminist movement in my country. Both men and women work together and help each other. Our men have been considerate in every way, and both my colleague (Mrs. Subbarayan) and I have every hope—indeed we are almost sure—that all our countrymen assembled here will be ready to give us their full support to whatever proposals we place before this Committee. One member of this Committee has said that he was opposed to any special qualification for women, but I hope that in the light of the arguments which will be advanced he will see his way to recede from that position. Let me point out that a woman is a born administrator. For, although the man is the breadwinner, the virtual ruler of the home is the woman. In that little kingdom she is not only in charge of finance and of home and foreign affairs, but she is also the custodian of the future generation. A good deal of tact and intelligence is needed in order to carry on the administration of that little kingdom, especially if it happens to be a home where the joint family system still prevails. In many instances you will find that a woman can far more intelligently exercise her vote than a man in the same position will be able to do. If a broad franchise is given to women the representation will in many cases be far better. Under existing qualifications women's franchise is more or less a nominal one. Even with the lowering of the property qualification and the introduction of an educational qualification, our position will not be very much improved. Unfortunately there are barely two per cent. of educated women in my country, and although there is a rapid increase in their numbers every day, these things must take time. All the Hindu as well as the Sikh women have hardly any rights of inheritance ; they have only the right of maintenance, which does not make them owners of property. In my own Province most of the Muslim families follow the customary law which deprives Muslim women of the rights of inheritance given to them by Islam. In almost all the big landowning families it is maintained that women cannot inherit. Therefore, with these two qualifications, the franchise given to women will remain more or less nominal. We ask for a special qualification, namely, that the wife or widow of a voter, being over 21, should have a vote. This is the qualification, with the exception of the age, recommended by the Statutory Commission. There it was stated, however, that the age should be 25, whereas we say it should be 21. We think, so far as age limit goes, there should be no distinction between men and women. Such is the qualification which women in this country have enjoyed for nearly ten years. Before universal adult suffrage was introduced in this country, women did enjoy this special qualification. A memorandum signed by women representing all three parties in this country has been

sent to members of the Conference advocating the proposal I am bringing before you. We are very grateful to the signatories of that memorandum. We ask for this qualification to be extended to us for the next eleven years, or the next three elections; after that we are quite prepared to take our chance in a fair field and no favour.

Mr. Chintamani : I most heartily support the proposal of Begum Shah Nawaz. I think the proposals under (i) and (ii) do not adequately meet the requirements of the women of India. In the matter of property they are at a disadvantage compared with men. In regard to education it is, unfortunately, the fact that less progress has been made with the education of women in India than with that of men, and, therefore, that, too, does not sufficiently cover the case. It is not only a matter of social justice, it is a matter of national well-being that the largest possible number of women should be invited and encouraged to take part in public affairs, and that will make for the social advancement of the whole community. In proof thereof I need not do more than point to England itself, where so much vital public service is rendered by the women of the country. I give my most unqualified and hearty support to the proposal.

Sardar Ujjal Singh : I support what has fallen from the lips of my sister, Begum Shah Nawaz, and I do so with the utmost pleasure. In my own Province the women do not possess property, the law of inheritance prevents property being passed on to a woman, and it is only in very rare cases that widows have become possessed of property. This has had the result that very few women are enfranchised, in spite of the fact that there is no particular law against their enfranchisement. If, therefore, you widen the property qualification I am afraid it will not help the women, and they will still remain unenfranchised. My fear is that the number of women voters, particularly in the Punjab, will remain stationary unless the proposal is accepted that the wives of voters should be qualified.

Mr. Joshi : I was opposed in principle to the addition of qualifications for voters, but I quite recognise that in the case of women special circumstances arise. Unfortunately, I would like my two sisters here to recognise one fact, that the disadvantage is not only in the case of married women and widows, but there is a very small number of women in my country who remain unmarried. It was a matter of surprise to me that my two married sisters should have appeared to omit that very small class of educated women who choose not to marry.

Mrs. Subbarayan : They would come under the educational qualification.

Mr. Joshi : Uneducated women, too, may remain unmarried, but why should they remain disqualified ? I, therefore, support the proposal of Begum Shah Nawaz if she will accept the addition that a woman of the requisite age shall have the qualification if she is the daughter of a voter. Otherwise I cannot support her proposal. It is a wrong thing to make marriage a qualification for voting.

Then, Sir, I want this sub-Committee to recognise, when they are adding these qualifications, the effect of their proposals on the poorer classes. We have laid it down that 10 per cent. of the population should be enfranchised, and that 10 per cent. may be increased—I do not know to what limit—and also we have laid down a maximum limit of 25 per cent. If you go on adding these qualifications, and in particular this qualification for women, the result will be to keep a higher level of income as a qualification, because we are laying down a maximum limit for the total number of voters, with the result that it is the middle classes and the higher classes who will have a vote, and the lower classes to that extent will be deprived of a vote. If we had no such limit as a 25 per cent. maximum, the addition of women would not have mattered ; but, if we add not only all the voters of the middle classes but also their wives to the list, and I am also adding the daughters, to that extent we are adding to the number of voters in the upper classes, and the lower classes will be deprived of votes. On the whole, therefore, I am against adding these other small qualifications.

Sir Hubert Carr : It seems to me the mover has well supported the claims she made with regard to these qualifications. We are now, it seems to me, drifting towards the adoption of adult suffrage for women, but not for men. We have all wives and all widows——

Mrs. Subbarayan : No, the wives of voters only.

Sir Hubert Carr : It will mean that the women will arrive at adult suffrage considerably quicker than the men.

Sardar Sampuran Singh : It is only the wives of voters.

Sir Hubert Carr : If you make marriage a qualification, you will have women arriving at adult suffrage before men.

Sir Phiroze Sethna : On a point of information, if a man has more than one wife or leaves more than one widow, are they to get the benefit of the vote ?

Begum Shah Nawaz : We wanted to show we were very reasonable ; that is why we asked for such a special qualification for widows and wives only. We thought that if a woman is entitled to her husband's status in society she has every right to enjoy the same privileges of citizenship. There is a saying in my language that it is the man who earns but the woman who saves and collects. Both men and women, therefore, should have the right to enjoy the same privileges.

Sir Cowasji Jehangir : But what is your answer to the question ?

Begum Shah Nawaz : The answer to the question is this, that we have been fighting for the abolition of polygamy for years, and in British India we have almost achieved it ; but we have to take account of the circumstances that exist at present, and we might be prepared to give two votes to the man who has got two wives. At the same time, we are working for the abolition of polygamy, and we mean to achieve it very soon.

Mrs. Subbarayan : I was expecting the question which Sir Phiroze has asked. I think we had better leave that point for the expert Franchise Committee to decide. I do not want this special qualification to be objected to on that ground, and I think I would leave the point to the special Franchise Committee.

Mr. Basu : I support the proposal made by Begum Shah Nawaz. With regard to the difficulty to which Sir P. Sethna has referred, Sir Phiroze, of all persons, knows very well that though polygamy is permitted under Hindu and Muhammadan law, in real practice it is an anachronism and does not happen at the present time. The extent to which it occurs is almost negligible. At any rate that is the case in the community to which I belong, the Hindu community. The Hindu community is almost universally monogamist, and cases of polygamy can be regarded only as of historic interest.

With regard to the claim made by the lady Delegates on this sub-Committee, if we require from women the same qualifications as are required from men we shall practically be trying to establish the theory that the women should go out of their homes, or rather break up their homes, and, like men, engage in the ordinary concerns of life for earning their bread, and engage in the affairs of the world in the same way as men. A great many men will object to having their homes broken up like that and will object to the women engaging in pursuits to acquire an income or to acquire the other qualifications which would give her the franchise. Having regard to the present state of society in India and probably elsewhere, it is necessary that the women

should take upon themselves the responsibility of running the nation in the way they have done in the past and are doing in the present; but because they immolate themselves to that extent they should not be deprived of their votes.

That is a fact which is being gradually recognised everywhere, and for the sake of the future of India it is quite time we recognised that fact as well. As Begum Shah Nawaz has pointed out, in matters of domestic economy the women play a very important part in Indian life, and that is a fact which every Indian and those who study India from outside will have to recognise. The qualification of the husband is one criterion which enables you to fix with some amount of certainty the question of whether the wife should have the vote, and therefore when the Begum asks that if the husband has one of the qualifications which entitles him to be on the electoral roll, his wife, or his widow, should be entitled also to come on to the electoral roll, I think that is a proposition which we should accept.

Lieut.-Colonel Gidney : I have very few words to say on this matter. Speaking for the women of my community, we to a certain extent suffer from the same disabilty as you do, and I am sorry Begum Shah Nawaz has not correctly read what I said on this matter when we had our first meeting. I wholeheartedly support the proposal,and to show the Begum the position I take up I should like to read what I said at the former meeting. I said this : " There must be no difference whatever in the status of men and women. They must be given equal political rights. I consider the world in general and India in particular has neglected its women-folk and their great power for good, with the result that we are witnessing the reaction to-day. Look at the lightning speed with which Indian women are awakening to a proper sense of their power and position. I say we must give woman her rightful place in the body politic of our Motherland—India." I further go on to say " As regards women, I leave the details to the special Franchise Committee which, I take it, will soon be appointed to visit India and report on the franchise as a whole. I consider, however, that the new constitution for India should at the very outset provide special measures by which a certain proportion of seats in the various legislatures shall be reserved for women, and that it should be embodied in the Statute that sex should be no disqualification."

Sir Cowasji Jehangir : I have full sympathy with the underlying objects of the lady Delegates, and I fully recognise that under any franchise the same percentage of women will not be enfranchised as of men, because under the property franchise they cannot get the same percentage, nor can they under the educational franchise. Therefore I quite recognise that some method will have to be considered whereby over and above the ordinary franchise women shall be allowed to get the vote. But when it comes to giving the wife or wives of every voter a vote, I do not know how many Delegates here realise that you will be giving that man a double or treble vote. In political matters especially in India, it will be the husband who will dictate to the wife as to how she is going to vote. If I may, I should like to tell the Begum that we must face realities ; we must not try to imagine what we want the conditions to be in India in regard to women ; we must visualise them as they are. I can speak frankly. It is all very well in this sub-Committee to say that in India the woman rules the house ; we know very well to what extent she does so. It is all very well also to say that she controls the purse or that she has any influence, in a large number of cases among the poorer classes, over her husband. These are all platitudes, and we have to face realities. Therefore, Sir, if you give the wife of every voter a vote you are doubling his voting capacity, and so I have some sympathy with the argument placed before you by Mr. Joshi.

If you are limiting the franchise to 25 per cent. of the population, and if 4 per cent. of the population have already got the vote, as they have in my Presidency—3·9 per cent.—then without any further broadening of the franchise you have doubled your vote, because in the majority of cases the voter has already got a wife.

Mr. Jadhav : And a widowed mother in half the cases.

Sir Cowasji Jehangir : Therefore without any broadening of the franchise you have already doubled it. My friend Sir P. C. Mitter says most of the women will not go to the poll, but we cannot take that for granted. If you say you will grant them the franchise on the ground that they will not go to the poll, where will that argument lead you ? We must take it that they will, although I know the difficulties of bringing them there, even in a city like Bombay, in the case of those who have got the franchise already.

Therefore you are doubling the franchise without broadening it. I should like this question much further examined before we commit ourselves to any principle. I am in sympathy with the main principle of giving a larger number of women the vote than would be entitled to it on any franchise that may be chosen. That is only fair ; but when it comes to a narrow instruction of this kind, saying this sub-Committee is of opinion that it is advisable to give the wife of every voter a vote, I must draw the line. I want more time for consideration ; I want more details : I want more figures. I should like to examine a good many witnesses, witnesses who can speak with authority on the subject, before I come to any definite conclusion on an important question of this kind.

I am quite prepared to include in our report an opinion that the vote for women should be considered on a broader basis, on broader lines, than a vote for men, and that some additional qualification may be added so as to bring up their average and make it a little higher than it would otherwise be were the franchise the same for women as for men. I am quite prepared to give the Franchise Committee instructions to examine that question and make recommendations, but I am not prepared, and for very important reasons, to commit myself, nor should I like this sub-Committee to be committed, to the main principle just enunciated by the Begum.

I do not, I am afraid, follow her quite clearly. Is her recommendation the same as that made by the Simon Commission ? Is that what she wants ?

Sir Phiroze Sethna : No, she wants to go further still, and reduce the age to 21.

Sir Cowasji Jehangir : She wants the age reduced to 21, and the vote given to all wives of men who have the vote. That is the recommendation of the Simon Commission, plus a reduction in the age to 21.

Chairman : If I follow it, the Simon Commission's recommendation was limited to the wives of those holding the property qualification. The Begum wants it to apply, I think, to the wives of all voters.

Begum Shah Nawaz : The Simon Commission recommended the giving of a vote to wives, over 25, of voters, as well as to widows. We want the age reduced to 21.

Major Stanley : The Report of the Simon Commission confines itself to the wives of voters who have the property qualification.

A Member : But now there are going to be other qualifications ; then there was only the property qualification.

Chairman : There was military service. As I understand it, the difference between the proposals of the Begum and those of the Simon Commission are these : (1) she says 21 should be the age, instead of 25 ; and (2) she says the qualification should not be merely whether the husband possesses the property qualification, but any qualification.

Begum Shah Nawaz : In our memorandum we have restricted it to the property qualification.

Sir Cowasji Jehangir : What is your proposal ?

Begum Shah Nawaz : That the wife of a voter who has the property qualification should have the vote. The only variation we make is in regard to age.

Sir Cowasji Jehangir : That does not seem to be very logical, because we have added an educational qualification. If a man obtains the vote owing to an educational qualification, his wife will not get the vote ; a man who has the vote owing to military service will be in the same position ; his wife will not have the vote. It will be only the wives of those with the property qualification who will get the vote.

Begum Shah Nawaz : What I said in my speech was that I wanted only the wives of voters with the property qualification to have the vote. There is no right of inheritance for women so far as the Hindu community is concerned and so far as the Sikh community is concerned ; there is only the right of maintenance, and in my Province most of the families follow customary law, and therefore the women cannot inherit property. That is why I asked that the wife of a voter under the property qualification should have the vote.

Sir Cowasji Jehangir : I follow the argument, but the result goes much further. It assumes that the wife of every voter is going to inherit, and therefore she would have had a property qualification in any other part of the world. I have never heard of any system of franchise anywhere where the wife is given the vote because the husband happens to have one. I suggest the main principle be enunciated in the report, it being left to the Franchise Committee to work out the details. It would be very risky for this sub-Committee to express any definite opinion on this important point.

Mr. Fazl-ul-Huq : We feel we should make one point quite clear to this sub-Committee. You will notice, Sir, that the recommendations we are making for the broadening of the franchise, in our attempt to bring as large a number of persons as possible on to the electoral roll, have the effect, of creating a much greater disparity between voters belonging to my community and voters belonging to other communities than existed before. I do not object to that, but the proposal that has now been made will place my community in a position of very great disadvantage. Purdah is no part of the religion of Islam. As a matter of fact in Muhammadan countries the females take part in the daily life of the people at least far more than they do at present in India. In my Province this custom of purdah had been established so firmly on my community that it has practically become part of the Muslim religion, and I can say, without fear of contradiction, that there is only a small microscopic fraction of the females belonging to the labouring classes who cannot afford to come out of purdah to do their own work. The great bulk of the population do not come out of purdah. Unless there is a universal adult franchise, I oppose this proposal unless the separate electorates of my community are retained. In that case I do not mind any advance made in the direction to give women their rights ; but if you take literates and broaden the franchise in this respect I submit that the most you would give would be practically dead votes. We wish that you will note in the report of this Committee that the assent we are giving is subject to the one great condition of separate electorates. If they remain we assent. If they are taken away we oppose, because it must be looked at from a different point of view.

Sir R. Hamilton : It required a world war to get the women's franchise in this country, and I think for this Committee to try to decide the question of women's franchise in India is rather outside our capacity. For that reason, and also for the reason that we in England are necessarily very ignorant of the conditions in India, it would be far more advisable for us to confine ourselves to making a general recommendation to the Franchise Committee to study this question with a view to increasing female suffrage. Personally I should hesitate very much to subscribe to such a specific recommendation as has been put forward by the ladies this morning. Though I am entirely in favour of increasing the power of woman in the political world, I think it is a matter which India must settle for itself, and for that reason I would support what has been said that there should be a general recommendation to the Franchise Committee to study this question with a view to enlarging the women's franchise.

Sir P. C. Mitter : I agree with the last speaker, for this reason. I believe my sister Delegates will appreciate that I am making the recommendation more in their interests—more in the interests of widening the women voters. In my Province, out of 14 million breadwinners, three millions are women. In spite of that there are very few women voters, and the real reason is not so much what the Simon Commission apprehended and what my sister Delegates apprehend (I am confining my remarks to my Province) but because of the want of education on the part of the women. So if you have it on that basis it may be that the number of women voters will still remain very small.

On the other hand there is a danger ; the danger is this : supposing you fix the property qualification lower than what it is to-day, giving votes to the wife or widow of each voter will at least make it double ; in some cases quadruple, or even five times. The Muhammadan is allowed to marry four wives. For the Hindu there is no limit, but speaking of my Province I do not think you can point to one person of the Hindus who has more than one wife, and the Muhammadans two. This system is going down ; they are not marrying so many wives which perhaps they used to do before.

It would be rather dangerous to lay that down ; you may be doubling the voters, and doubling the voters many of whom will never go to the poll. Perhaps we may be giving the woman more effective representation. They may have special educational qualifications, and we want that class of woman for social services for the uplifting of their less fortunate sisters. Supposing you reduce the franchise qualification, the apprehension of some of my friends opposite may be realised that more of the middle-class people, better educated, would have two votes. So that looking at the general object which my sister Delegates have in view I think we should recommend that attention be drawn to the question of women franchise and leave it to the Franchise Committee.

Diwan Bahadur Ramachandra Rao : I should like to speak upon one point. I am personally fully in sympathy with any movement which aims at encouraging a larger participation by women in public life, but there is a difficulty, as has been pointed out, and I should like this Committee to study the figures given by the Simon Commission which are incorporated on page 5 of this Memorandum. I understand the figures are from the Simon Commission, Vol. I, page 191 : The proportion of female electors to the adult female population is less than 1 per cent., and the proportion of male electors to the adult male population is 10·4 per cent. If we adopt the suggestion which has been made it will really mean that we shall have 20·8 per cent. of the population enfranchised, men and women included, and since the majority of the Committee here seems to be inclined to restrict the total number of people to be enfranchised to 25 per cent. it will really mean sacrificing the rights of the working classes and of the poorer classes. It will mean a very severe restriction on the working classes, and I think that that is a point which we must bear in mind in this connection.

Sardar Ujjal Singh : That is not 10 per cent. of the total population.

Mr. Foot : May I ask the Begum Shah Nawaz, would it be a part of her case that this condition of the age of 21 of a woman who is the wife of a voter—a woman who is 21 years of age the wife of a voter, or a woman 21 years of age and the widow of a voter—would she apply that to all the Provinces ?

Begum Shah Nawaz : Yes.

Mr. Foot : There are differences in the Provinces ; the conditions vary considerably. The question to which Mr. Fazl-ul-Huq drew attention I suppose applied particularly to some Provinces and not to others. Is it part of her case that there should be the submission of this proposal to be applied to all the Provinces ?

Begum Shah Nawaz : All the Provinces.

Mr. Basu : The difficulty about purdah women is that we know that in practice there are special booths for purdah women, and that special arrangements are made for recording their votes.

Mrs. Subbarayan : I would like to point out that the method put forward was suggested by the deputation of three leading Indian ladies to the Simon Commission at Lucknow. We have also discussed the matter with some of the Indian ladies who are now in London who are taking an active part in the public life of India, and they agree with our proposal.

Upon the point of giving a husband two votes, I believe that that objection was raised in this country too when women were first given the franchise, and in actual practice it was found that this criticism did not have any foundation. I do not think it is quite complimentary to the men to say that they would have two votes, and we should remember that the vote, after all, has an educative value and that women can and will increasingly hold their own views in course of time.

Another point I would like to submit to you, Sir, is that we do admit that this is not a perfect scheme, nor is it going to be a permanent scheme. We only suggest it as a stepping-stone to increasing the votes for women until we have adult franchise.

As regards Bengal, may I point out that in spite of the laws of inheritance there the voting strength of the women is .3 per cent. of the adult population.

Sir P. C. Mitter : With my suggestion you could have one hundred times those number of votes.

Mrs. Subbarayan : There are only a few women who have got the vote. Women are shy to go to the polling station. But when there are a large number of women voters they will feel encouraged to go.

Sir C. Jehangir : Would you make it compulsory for women to vote ?

Mrs. Subbarayan : No. I would also say when the women electors are very few in number, they realise that they cannot count for much in a large electorate. If their number were large enough to be a powerful factor in an election, all the candidates and their supporters would make every effort to induce the women to go to the poll.

Sir P. C. Mitter : If there are 3 millions who are eligible for votes and if the number of voters is so small, I am pointing out something under which you can do better, that a general recommendation will perhaps serve your purpose better. Of course you can decide for yourself, but that is my view.

Mr. Jadhav : I support any proposal to give woman the vote and to make her equal with man, but the proposal that has been placed before us will increase the number of voters at least two and a half times, because in the case of a man dying his son and his son's wife will get a vote automatically—and his widow. I do not state this fact here in order to oppose the suggestion. As I have said, I am in entire sympathy with the proposal, but I want to add a word of warning that by the adoption of this system the number of voters will be increased to such an extent that the expert Franchise Committee which will be appointed will have very little left to consider, and the other methods of broadening the franchise should be changed. I would for the present again reiterate that I stand for the universal adult franchise, and if the scheme that was proposed here and placed before this Committee by the Marquess of Zetland be accepted that persons who are now on the electoral roll should remain on the electoral roll, but that the other population which is not enfranchised should be represented by their representatives, all these obligations, I think, will be done away with, and all the communities that are now asking for the vote will be satisfied. The labourers will get their vote in the proportion of 5 per cent. at least ; the women will get their vote to the extent of 5 per cent. at least, and so on ; there will be a gradual advance, and in that way we can very easily work up to our ideal which has been accepted by this Committee of universal adult franchise.

Chairman : May I suggest this for your consideration. On the one hand, I feel myself in very considerable difficulty. After all, I know nothing about India at all, and I read in the Government of India Report these words : " The view was that the enfranchisement of women goes deep into the social system and the susceptibilities of India, and is, therefore, a question which can only prudently be decided in accordance with the wishes of Indians constitutionally expressed." That view is bound to have some weight with me in my position, knowing nothing about India. On the other hand, I frankly say that I am tremendously prejudiced in favour of women's suffrage, and I will give you our experience. I speak for myself ; I only give you impressions. Until we had adult suffrage we had women voting by virtue of being the wife of her husband when she reached the age of 30. People laughed at it for a long time and simply said that the man had got two votes. I am inclined to think that in the first stages it very often did mean that. But the result of having a vote was that the women began to take such an interest in politics that if it was true to say in the early stages it simply meant duplicating the husband's vote, it certainly was not true after a few months, and it certainly is not true to-day. The added interest and educative value of the vote has been proved time after time in this country through giving women the vote. On the one hand, therefore, I feel very much tempted to say that Sir Robert Hamilton has suggested the right course, seeing that this Committee as it is at present constituted cannot really attempt to solve this question or to give any definite ruling. But, I for myself, with my prejudices, do not want to merely pass the matter over to the Franchise Committee. I would, at any rate, like to give the impression on my mind, and suggest this to you. Might we not do this : we can answer the questions submitted to us, and to the question " Do the recommendations made under (1) and (2) above provide sufficiently for the enfranchisement of women ? " we can answer " No." Then, " if not, should any special qualifications be prescribed for them ? " we can answer " Yes." Then we can send the matter to the Franchise Committee, but send it with some comment of this sort : " At the present time the number of women voters is something like a quarter of a million in six Provinces as against nearly 6½ millions male voters." Might we not then say : " We have looked at those figures. We regard any franchise system which renders possible such a great disparity as that between the two sexes wholly unsatisfactory." With that general statement of our views, refer the matter to the Franchise Committee, in order that the Franchise Committee may work out what is the best method to adopt in order to approximate much more closely the number of women voters to the number of male voters. If I may suggest that to you, I think it would not be a bad principle that we should refer the matter to the Franchise Committee by putting in some statement of that sort, and indicating quite plainly what our views were on the general principle. I should like to propose that, if that would meet with the approval of the Committee.

Khan Bahadur Hafiz Hidayat Husain : I should like to say something about the value of the vote to those people who are not sufficiently advanced. Therefore my contention is that there should be a sliding scale for the enfranchisement of women,

to be followed as the years go on, and that we should recommend in this sense to the Expert Franchise Committee. In the case of any man who possesses a qualification which entitles him to vote, his wife and daughter should not be entitled to vote unless he possesses three times that qualification.

Begum Shah Nawaz : May I ask you to include these words : " that the recommendation of the Statutory Commission should be taken into consideration as well as the proposal made in this Committee by the ladies " ?

Chairman : I think it is quite reasonable that the Franchise Committee should be asked to take into consideration the report of the Simon Commission.

Begum Shah Nawaz : One member of the Committee said that in the rural classes the condition of women was not so good as we have been trying to show that it is. May I point out that there are nine million more men than women in my country, and that the woman is considered to be far more precious in a poor man's house than in a rich man's house. In one district in my Province there is one woman to ten men, and in that district a woman is considered more precious than any property.

Chairman : We will frame a recommendation on the lines of this discussion.

Now we come to the next topic, which is plural voting. I would suggest for your consideration that a convenient way to consider this matter is, first, to ask : Are any alterations required in the qualifications in the existing special constituencies ? Secondly, should a voter entitled to vote in a special constituency be permitted to vote also in a general constituency for which he possesses the required qualification ? I must add that what we do here will be to a certain extent governed by the Minorities Committee. I submit this to you for your consideration and approval.

Mr. Fazl-ul-Huq : The question of the retention of special constituencies is not a matter for the consideration of this Committee at the present stage. In so far as special constituencies are allowed to remain, the point of view just suggested by the Chairman may be considered, but I want the Committee to understand that this is entirely subject to the condition that the retention of special constituencies is a question to be considered, not by us, but by some other sub-Committee.

Chairman : I do not think we can consider the question of special constituencies at all. There is, unfortunately, a considerable overlap in our work. The only useful way to carry on our discussion is to assume that the special constituencies as they exist to-day are going to continue.

Sir Cowasji Jehangir : I think we should leave out the first of the questions you have suggested and confine our attention to the second. We may take it for granted that there should be special constituencies, and the question is under what conditions should a man be allowed to vote in such constituencies.

Chairman : May I take it that the Committee is agreeable to what Sir Cowasji has said. Let us proceed on the assumption that there are to be special constituencies, and that the special constituencies will have some franchise which we are not going to discuss.

Sir P. C. Mitter : I find considerable difficulty in giving my considered judgment on this point unless I know what the special constituencies are going to be. Take the constituencies formed by Chambers of Commerce and the like. In my Province there are five special British seats on the local Legislative Council. When we know what the special constituencies will be the matter ought not to be very difficult, but at present there are many special constituencies of the kind. I suggest that this subheading should be referred as a special point to the relevant sub-Committee.

Chairman : Is it the feeling of the Committee that we should not deal with either of these matters, because, just as we cannot usefully consider what the franchise for a special constituency should be unless we know what the constituency itself is going to be, so also we cannot usefully consider whether there should be plural voting unless we know all the circumstances, the nature of the special constituency, and the nature of the voting in that constituency ? Is it the view of the Committee that the Expert Franchise Committee is the body which should take this into consideration ?

Mr. Jadhav : May I point out that at present plural voting is allowed. A man may have a vote, for example, in a university constituency and also in a general constituency on a property qualification. Again, a man may have a vote by virtue of his membership of the Mill-owners' Association, or in these other special constituencies in Bombay. I do not think there is any harm in allowing plural voting under such circumstances, but a man ought not to have different votes for the same sort of qualification—say for holding property in two places. Also, if an educational qualification is added, a man ought not to have a vote for property as well as education.

Diwan Bahadur Ramachandra Rao : A good deal of material appears in the memorandum submitted to the Simon Commission by the Government of India which shows that a considerable volume of opinion exists with regard to the representation of various special constituencies. For example, in regard to trade and commerce, several proposals have been put forward referring to special constituencies. Again, as regards the landlords, the Simon Commission proposed that the landlords' constituencies in the Provinces and Legislative Assembly should be abolished. Either this Committee or the other Committee will have to decide whether the landlords' constituencies should be retained.

Chairman : We cannot decide it. The difficulty is as to whether the special constituencies should be retained or not, and that is plainly not a matter for this Committee. When it has been decided whether the special constituencies should be retained—that being a matter for the Minorities Committee—the question as to what the franchise should be would be a matter for this Committee. Is it not the most business-like thing to say that we decline to discuss the matter, but we send it to the Expert Franchise Committee who will be able to deal with the whole of the question ? In any event we could only deal with half of it.

Mr. Chintamani : But, Sir, it should not be impossible for us to make a general recommendation that, as far as possible, plural voting should be avoided, as it is undesirable. Sometimes it is possible for a man to have five or six votes in different constituencies. I think it is undesirable that one person should have so many votes. At the present moment a person who could be a voter in two general constituencies has to make a choice between the two. In the same manner the Government could see that one name did not occur in more than one special constituency. We do not, of course, know what will be the character of the special constituencies of the future, but, subject to that, I think it is up to us to make a recommendation to the Expert Franchise Committee in general terms against the principle of plural voting.

Sir P. C. Mitter : When we are in better possession of the facts we can deal with it more effectively. I do not want this question to be ruled out. All I ask is that it should be considered in some other place where the facts will be forthcoming.

Chairman : Does the Committee as a whole agree to this course, subject to the point made by Mr. Chintamani ? Are we agreed that this matter should be passed on to the Expert Franchise Committee with a recommendation against plural voting ? The real question is whether we ought or ought not to add

any recommendation in that sense. I feel that it is very difficult for us to make any recommendation at all unless we go into the whole of the facts, and, on the other hand, it is very difficult for us to go into the whole of the facts because half of them are outside the terms of our reference to deal with. Therefore I think we had better pass this matter over quite generally.

Mr. Chintamani : But I should like you to include in your report a statement that several members of this sub-Committee are of opinion that plural voting should be as far as possible discouraged.

Sir C. Jehangir : In some constituencies plural voting may be advisable, and if Mr. Chintamani presses his point, I think it should also be stated that some members of the sub-Committee are in favour of plural voting under certain circumstances.

Chairman : Shall we say that we have not gone into the question of the franchise for the special constituencies, as the question as to what special constituencies remain is not one for us ? We recommend that the Expert Franchise Committee should take the matter in hand, and make such arrangements as are necessary for the special constituencies that remain. With regard to plural voting, some of our members have expressed the view that so far as practicable this should be abolished ; others that it should remain, but without a full knowledge of the facts we think it not advisable to attempt any recommendation.

Chairman : Following my usual practice, I will read out to you a very rough summary I have put down as the result of our deliberations on these questions, coming under No. 2 of the Heads of Discussion, the general basis of franchise. On (ii), " Assuming that age is not to be the only qualification, should there be (*a*) a property qualification " and so on, I have said this :

> " This sub-Committee consider that there should be a property qualification for the franchise, and that in this connexion the word ' property ' should be understood in its widest sense as including not only the ownership of landed property but also the occupation of landed property or house property or the receipt of income or wages, whether in cash or kind."

On (*b*) I say :

> " This sub-Committee are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the idea enunciated under heading 2 (i)."

That is the heading we have already dealt with. On (*c*) I say :

> " This sub-Committee agree that the Franchise Commission should retain the existing military service qualification and consider its extension so as to include service in the Auxiliary and Territorial Forces."

On (iii) I say :

> " This sub-Committee observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory or as likely to lead to good government where such a great disparity exists between the two sexes. We do not think the recommendations we have already made will reduce this disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We, therefore, agree that special qualifications should be prescribed for women, but we feel that in this sub-Committee we have not sufficient knowledge of the facts of the situation to qualify us in attempting to formulate these special qualifications. We therefore recommend that the Franchise Commission should devote special attention to this question in the light of all the evidence available, including the recommendations of the Statutory Commission and the suggestion made in this sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be altered from 25 to 21."

On (iv) I say :

> " This sub-Committee are of opinion that the franchise qualifications for special constituencies are inseparably bound up with the nature of those constituencies. We are not empowered to consider that point, nor are we in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this sub-Committee, a division of opinion has shown itself as to the desirability of permitting a voter qualified in both a general and a special constituency to vote in both."

I shall, of course, circulate this, and we shall have to have a meeting to consider these things, but I think that fairly summarises the conclusions at which we have arrived.

Sir Cowasji Jehangir : There is one point which I should like to mention. You refer in that report to No. 2 (i). I understand by that that you are alluding to the principle which has been enunciated whereby the Franchise Commission should be asked so to adjust the franchise that the different communities will be represented on the electoral roll in proportion to their population.

Chairman : Yes.

Sir Cowasji Jehangir : I think that is an impracticable and impossible suggestion to make, if I may say so, and I reserve to myself the right to raise this point when the report is under discussion at the final stage.

Chairman : Certainly. Everybody reserves his right to bring these points up again.

Sardar Sampuran Singh : I wish to associate myself with what Sir Cowasji Jehangir has said.

Lieut.-Colonel Gidney : My objection is the same as Sir Cowasji's.

Chairman : We now come to No. 3. We have really dealt with the first point : " Detailed franchise qualifications. It will presumably be left to a Franchise Committee or Committees "—we have now called it a Franchise Commission—" to define the exact qualifications necessary to bring about the result desired under 1 in accordance with the principles recommended under 2." Then : " Are there in the opinion of the sub-Committee any other considerations which it is particularly desirable that the Franchise Committee should bear in mind ? "

One occurs to me ; that is to say the question of rural constituencies. There is a danger we have been told, of the over-representation of urban opinion and the under-representation of rural opinion. That may be a matter which you may think the expert Franchise Committee should bear in mind, and it has been suggested to me also that disqualification is a topic which ought to be considered. There may be others, but those two will certainly be in order here.

Dr. Ambedkar : The residential qualification might be considered.

Chairman : That might be considered also.

Mr. Chintamani : Are you speaking only in respect of the franchise ?

Chairman : Yes.

Mr. Chintamani : There are two franchises, for urban and rural.

A Member : In most of the Provinces.

Mr. Chintamani : What are we to consider ?

Chairman : We can consider only any point as far as it relates to franchise.

Mr. Foot : The disparity between urban and rural representation ?

Chairman : Certainly, if you consider there is a disparity between urban and rural representation, which disparity can be surmounted by some adjustment of the franchise, that is a matter which we can consider here. If you say, however, that it cannot be dealt with in that way but must be considered by some method of separate representation, for instance, that does not come within our province here at all, of course.

Mr. Chintamani : I am glad, Sir, you have rendered unnecessary any observations on the quantity of representation of urban and rural areas, as being a point beyond the province of this sub-Committee. In my opinion there is no relation whatever between the franchise and the amount of representation ; it concerns the number of voters for a particular candidate in an urban area and in a rural area, but it does not affect the proportions of urban and rural representation in the Legislature.

As regards the franchise, the nature of the taxes or cesses or rates included in urban and rural qualifications is quite different not only as between one Province and another but in the same Province. Also when rental is taken as one of the qualifications for the franchise, the rents paid by occupiers of houses in towns are naturally enormously more than anything that has to be paid in rural areas. A certain difference between the franchise in respect of these two areas is inevitable, nor is there, in my opinion, a grievance to anybody that that should be so, because, as I have said, it does not determine the relative representation of the two. Unless it is stated that this sub-Committee will make a representation or express an opinion on the relative amounts of representation which the urban and rural areas should have, it will not be necessary for me to say anything more, and I believe that, as has now been stated from the Chair, that question will not be considered by us.

Mr. Foot : There is one question on which I should like to have some guidance. When the Southborough Franchise Committee went into the question, I understand they made it a deliberate matter of policy to make the franchise arrangements such that the towns were more largely represented than the country districts. A quotation from the Report of the Southborough Committee is given on page 58 of the Report of the Statutory Commission, and that quotation is as follows : " The qualifications adopted by us will result in enfranchising a substantially higher proportion of the urban than of the rural population, a result which we believe to be justified by the higher standard of wealth and intelligence in the towns." That deliberate policy adopted by the Southborough Franchise Committee has now been in operation for some years, and some of us who belong to the British Delegations would like guidance and comment on that in the light of the experience of the years which have elapsed since effect was given to that policy. I see that adverse comment has been made on that policy in different quarters, and I should like to know whether our brethren from India can tell us if, as a result of ten years' experience, that policy of the Southborough Franchise Committee has been justified, or whether steps ought now to be taken by the new Committee which we propose to set up to correct that difference.

The interest of India, of course, is mainly agricultural ; as I understand it, nine-tenths of the population of India are directly associated with agriculture, and the whole community is dependent on the success of agriculture. If that is so, I cannot understand why we should not make our franchise arrangements such that you will call in that great rural element of your country to take its full and adequate and commensurate share in the future development of the country's interests. That is a matter on which I should like some guidance from those who can speak with an experience which we cannot claim.

Sir P. C. Mitter : May I ask for guidance on a question of procedure. You have told us, Sir, that the question of the separation of rural from urban constituencies is not before us ; but in my opinion that is a very important matter, and I expect it will come before some sub-Committee.

Chairman : It is not before us, anyway.

Sir P. C. Mitter : I should like to bring to your notice the fact that that ought to come before some sub-Committee. On the point that is actually before us, and with regard to the remarks which Mr. Foot has made, I should like to say this. The difficulty is not that the urban voters do not take any interest : the urban voters do take an interest, and if possible the franchise may even be lowered as regards the urban voters. They have had 50 years' experience of municipal elections, and they are better educated and so on. One of the difficulties is to get the rural voters to come and vote, and lowering the rural franchise will not touch that point, which I at any rate believe to be of great importance. The difficulty will not be met by lowering the franchise for rural voters, but on the other hand that will bring in a class of voter who will be more under the influence of the moneylenders, the young men or the police. The better representation of rural voters has been touched on by the Marquess of Zetland, and his proposal may be one way of ensuring such representation. I want to make it clear, however, that in my judgment the lowering of the franchise will not meet the difficulty to which reference has been made.

Mr. Zafrullah Khan : May I, coming from another Province, try to give my own impressions with regard to the matter now under discussion. I have not, of course, any intimate knowledge of the working of the franchise qualifications in any Province except the Punjab, and all that I wish to submit on this question—a question on which I feel rather strongly —must be taken to be confined in its application to the Punjab.

There is no doubt that the qualifications for the franchise, as laid down at present, are uniform for both areas in this sense, that wherever an individual possesses one of those qualifications that are laid down in the list he comes on to the register no matter whether he is actually resident in an urban area or in a rural area. But, considering that certain kinds of qualifications—for instance, ownership or occupation of immovable property of a certain value—may be expected to be found generally only in certain kinds of areas, the qualifications laid down readily classify themselves into urban qualifications and rural qualifications.

With regard to my Province, the main rural qualification which would entitle a person to come on to the register is the qualification which may be described as the land revenue-paying qualification, the qualification which belongs to a man owning agricultural land, which pays so much annually in land revenue. It is extremely difficult to find in the villages of the Punjab anybody—or at any rate people in large numbers—who owns, for instance, houses in the village which would qualify him or them as voters ; that qualification is mainly an urban qualification. On the other hand, this ownership of agricultural land is a rural qualification. These are the two main qualifications.

But a difference will at once appear when the two are compared. In urban areas a person who owns immovable property of a certain value obtains a vote, as well as a person who receives rent from urban immovable property up to a certain extent—up to Rs. 8 a month—as well as the person who pays the rent ; they all become qualified. That is to say, if a room in a house is let by " A," the owner of the room, to " B," at a rental of Rs. 8 a month, both " A " and " B " in the urban area will get a vote. Suppose, on the other hand, a man owns agricultural land in a rural area which pays the necessary amount of land revenue—Rs. 25 a year in my Province—he alone would qualify in respect of that property.

Mr. Foot : And not the tenant ?

Mr. Zafrullah Khan : That is the first distinction which appears immediately. A man who has taken land on lease in respect of which Rs. 100 a year is being paid as land revenue does not qualify in the rural area as a voter, whereas in the urban area the occupation of property of Rs. 8 rental value gives a right to go on the register, as well as the ownership of that property.

To make a comparison, property which, in an urban area, would bring in a rental of about Rs. 8 a month would be far less in value than land in a rural area in respect of which Rs. 25 a year is being paid as land revenue ; so that, without going into further details, it may be taken as established—with regard to the Punjab at least—that a much lower qualification in the urban will qualify a man to go on the register than is the case in a rural area. The rural qualification for a man to get on the register is a very high one, apart altogether from the fact that tenants as such, apart from hereditary tenants, are not entitled to go on the register by virtue of the occupation of any quantity or area of land.

This gives us a very disproportionate percentage of rural voters to the rural population as compared with the percentage of urban voters to the urban population, and that is a matter on which I feel rather strongly, because an overwhelming majority of even the representatives of my Council feel very strongly that this disparity should disappear. It has been said that the distinction which the Southborough Committee sought to make, and deliberately sought to make, was justified by the fact that you get urban voters going to the polls far more easily than rural voters. With all respect to Sir Provash Mitter, I think that is not correct. No doubt the proportion of the actual number of votes polled in the rural areas is slightly less as compared with the proportion of urban voters going to the polls, but if you examine the conditions, if you visualise that every urban voter has got the polling station almost at his door, and that all he has got to do is to spare a few minutes on the polling day to walk over to the polling booth and vote, and go back to his work, and that with regard to a rural voter he has often got to take a long journey and provide his own food and miss his day's work, then this slightly lower proportion is negligible, and if it cannot be said that having regard to those conditions the rural voter has really shown a greater interest in these matters than the urban voter, it can certainly be said that he has shown at least an equal amount of interest. Besides, there is one great consideration, that with regard to this question of tenants and occupiers of land in my Province, they come from exactly the same class from which the ordinary peasant proprietor comes, and there is no reason why a tenant should not be admitted to the vote occupying the same amount of land, whereas the landlord who is merely getting the rent of that land should become qualified. But apart from these detailed considerations, my solution is that the experience of the last ten years has shown that there is no reason for maintaining the distinction whereby a much larger number of urban residents should be enfranchised as compared with the rural voters, and that this Committee should definitely make a recommendation that this disparity should now disappear.

Of course, I have not ventured upon the question as to what should be the qualification for representation of rural areas in the Legislatures, for with that we are not here concerned.

Sir Cowasji Jehangir : You see, it says " Owners or occupancy tenants of land."

Mr. Zafrullah Khan : Occupancy tenancy is what I have described as hereditary tenancy. In my Province, if a man is not by birth a statutory tenant, although he is occupying the amount of land for 30 years, or if he has occupied it in two generations for 50 years, he will not be able to vote. An occupancy tenant is a very artificial definition.

Diwan Bahadur Ramachandra Rao : I should like to say a few words in regard to conditions in Madras. I do not think, speaking for myself, that there is any rivalry between the urban and the rural areas of the Madras Presidency. Our system is this, that each of the districts has got two members ; in some districts they have three members, and in some districts they have four members, according to the size of the population and the number of voters, and generally the towns in those districts vote along with the rural voters and return the two or three or four members allotted to the district, except in the case of four towns in the Mofussil and the City of Madras, which has four representatives ; so we have eight representatives for the whole Province, representing what we call the urban areas, four towns besides Madras City, which has got four representatives. As regards the other districts, as I said, the towns in those districts vote along with the rural voters, and therefore there is no difficulty whatever, so far as I can see, in Madras ; there is no accentuation of difficulties arising from the urban or the rural vote, nor is there any rivalry or jealousy or separate interest which each of them represents. As regards the exact qualifications in municipal towns, it is the payment of about Rs. 3 a year in municipal taxation, which puts a man on the register. In rural areas we hold—

Mr. B. V. Jadhav : May I correct you ; it is not municipal taxation ; it is rent.

Diwan Bahadur Ramachandra Rao : I am talking of Madras, about which I know something. This is a statement which has been prepared in the Secretariat here, and this says, " The payment of Rs. 3 a year in municipal taxation " shall be the qualification required by a voter to come on to the register, in those towns which have separate representation, separately. But this has resulted in this. Some of the towns which return a single member have only voters of, say, about 3,000 or 4,000, whereas in the rural area the district, the unit is between 40,000 and 50,000 voters in the whole area. Of course, there is no unit of voters. I take it that in this country for every 50,000 or 60,000 voters you have a member ; is that so ?

Chairman : There is nothing laid down.

Diwan Bahadur Ramachandra Rao : No, but it works out that way ; but our system has not been based upon it ; it is a territorial unit, and in some of our districts there are 25,000 voters returning two members, in other districts there are 40,000 voters returning two members, and in some towns returning one single member, the voters are about 3,000 or 4,000—below 10,000. Some of the southern towns are more populous than the northern towns, therefore it varies. Thus the system in this question of urban versus rural has not made any headway in Madras, so I do not think, Sir, that so far as Madras is concerned (I think I am safe in saying this), there is any need to differentiate the urban voter. A man living in the town has some property in the district ; he has some land which empowers him to come on the register ; he generally has a house. One or other of the qualifications brings him on the register.

Mr. Foot : But you told us that you do not consider that there should be any continuing disparity between the rural and the urban population.

Diwan Bahadur Ramachandra Rao : I do not understand what you mean by disparity. The urban voter gets on to the register in consequence of his paying Rs. 3 municipal taxation. The rural voter generally holds a piece of land on which he pays a rent, the rental value being fixed. So I cannot understand the use of the word " disparity " between the one and the other. As regards the number of voters, as I have already said, the number of voters in the towns is much smaller than the number of voters in the district, which is our territorial area. The proportion is very much larger in the rural areas.

Chairman : What the Simon Commission said was this. In paragraph 106 of their Report they dealt with this question of the franchise and the setting up of the new Franchise Committee and they said this : " The Franchise Committee would be directed to

consult the provincial Governments before determining what modifications in voting qualifications should be made for this purpose, and would be required, in drawing up its scheme, to have due regard to the respective claims of rural and urban areas."

Mr. Foot : Would you read from the Government of India Despatch, on the same point, at the top of the page, 24.

Chairman : The Government of India Despatch says, on page 24 : " In more than one province the Committee may find that some readjustment is necessary of the present representation respectively of urban and rural areas and we attach great importance to securing genuine and effective representation of rural interests." That is probably quantum ; but in that he is referring this to the Franchise Committee, he is dealing with the franchise.

Mr. Chintamani : I am not so sure, Sir, if you read it again. That also partly refers to representation.

Chairman : The paragraph in the Simon Commission Report is headed " Our own Proposals for Extension." This is plainly the franchise.

Mr. Foot : And the Government of India Report turned on the franchise.

Chairman : We obviously cannot do anything more than make a recommendation. Do you think that we might recommend that this Committee, the Franchise Committee, or the Expert Committee, or whatever you call it, should so adjust the franchise qualification as to remove, in those areas where it exists, any marked disparity between the proportion of urban voters to the rural voters enfranchised ? What I mean to say is, the disparity existing between the proportion of urban voters to the urban population, and the proportion of rural voters to the rural population, and where in any area you find there is a marked disparity between the two, then the Expert Franchise Committee should consider so adjusting the franchise as to remove that disparity.

Sir P. C. Mitter : That is not exactly the point, I think, Sir, but my impression is—I speak subject to further examination—that in many urban areas it compares unfavourably with regard to population and area, and in other places vice versa. I only draw your attention to this : Would you put it in a wider form, or would you put it as an implication that in the rural areas it is less ?

Chairman : We will put it in the wider form if you like ; try to get the two proportions alike. Then on those lines, Sir Cowasji, would that suit you ?

Sir Cowasji Jehangir : I do not think that is quite the point, if I may say so. The point is not whether the number of voters between the urban and rural areas are fairly divided, but whether the number of representatives on the Council are fairly divided.

Mr. Zafrullah Khan : That is quantum.

Sir Cowasji Jehangir : That is quantum, perhaps, but if you do not go into quantum, then I am afraid you will find that the franchise works very fairly as it is. It is the quantum that may be unfair, and if we cannot refer to that here and cannot criticise it or make suggestions, naturally we do not get to the root of the question ; that is the trouble. Then another point is residential qualification, which is a very main issue. It is the main issue. Is it necessary to reside in a constituency to become its member ? That is another very important point.

Chairman : That is a separate point. Let us discuss it separately if we may. Will not this suggestion meet you ? We are only dealing with the question of franchise here. Mr. Zafrullah Khan has given us one illustration, as I followed it, of a case in which an urban tenancy or an urban letting produces two votes, whereas a somewhat similar affair in the rural area produces one. That is the sort of thing which the Franchise Committee ought to bear in mind in order to adjust, so far as it is possible, the disparity that exists, if it exists in any area, as between rural and urban or as between urban and rural. That is the point. Cannot we simply make a recommendation on those lines ?

Now the next point concerns the residential point which Sir Cowasji mentioned.

Sir Cowasji Jehangir : The point is that in some provinces the voter living in one constituency can be returned as a member for another constituency. In other provinces that is not allowed. In Bombay it is not allowed.

Mr. S. B. Tambe : Bombay, Central Provinces and the Punjab.

Chairman : I am following you, but you are going to tell me whether this is a question of franchise. The question as to whether you can have a carpet-bagger Member of Parliament, for instance, is obviously not a question of franchise. It is obviously outside the terms of reference of this Committee.

Sir Cowasji Jehangir : Yes, Sir, I quite see that, but may I point out that it is very important when it comes to representing the people.

Chairman : We must have another Committee, Sir Cowasji.

Mr. B. V. Jadhav : In Bombay it is a rule that in the rural area a man may possess landed property even beyond the standard laid down to qualify for a vote, but if he does not reside in the constituency, he is not on the register. A residence qualification for a voter is required there.

Chairman : That is a perfectly good point here. The question of a qualification for a voter is quite all right ; the question of a qualification for a representative is a different question altogether. We can have no discussion as to the residential qualification for a representative here, but we can have any discussion you like as to the residential qualification of a voter.

Mr. B. V. Jadhav : I propose, Sir, that that restriction should be done away with, and that the possession of property should entitle him to vote.

Rao Bahadur Srinivasan : Property or any qualification ?

Mr. B. V. Jadhav : Yes, property or any qualification.

Sir Cowasji Jehangir : Do I understand that the suggestion made by Mr. Jadhav is that a man who holds land, and under ordinary circumstances would get a vote, also owns property in a town and could also get a vote in that town—that he should be allowed to vote ? Is that what you mean ?

Chairman : No ; as I understand Mr. Jadhav's point it is this. He says the other special point that ought to be corrected is this. Among other things, a man who would otherwise have a vote loses it by reason of being an absentee, and he wants us to direct the Franchise Committee that a man ought not to lose a vote which he otherwise would have merely because he does not happen to reside in the place where that vote would be.

Sir Cowasji Jehangir : But he has a vote somewhere else.

Chairman : Whether he has a vote somewhere else or not is not this point at all, as I understand it. Your point does not depend on that, does it, Mr. Jadhav ?

Mr. B. V. Jadhav : No, not at all.

Chairman : It is simply the question of the absentee vote, as we call it here.

Sir Cowasji Jehangir : Does he exercise his option as to where he should vote ?

Chairman : He can vote in either of the two places.

Sir Cowasji Jehangir : That is as it is in India now.

Chairman : No, I think not. In Bombay you cannot have an out-voter, and a man cannot be put on the register unless he lives in the constituency. It must be a residential qualification. The proposal is that we should direct the expert Franchise Committee that that requirement ought to be done away with. Has anybody got any view to the contrary ?—That seems to be carried unanimously.

Now there is the question of disqualifications, which somebody wanted to raise.

Mr. Basu : As regards the question of disqualification, one of the questions of disqualification under the law and practice as they prevail now, is that persons who have been convicted by a criminal court and have undergone imprisonment for a period of six months or over should be disqualified from being on the voters' list or from being elected as a representative.

Chairman : For five years. The disqualification lasts five years.

Mr. Basu : Yes. Having regard to the fact that during the last few years the number of persons in gaol for offences which may ordinarily be classed as political offences, and a great many of whom, both men and women, are persons who are almost necessary in their respective localities for social service and general public work, there should be a recommendation that persons who have not been convicted of any offence indicating moral turpitude should not be disqualified from either being placed on the register or being elected to the legislature. Otherwise we debar a very large number of social workers from associating in the work of the legislature, and it will be a great handicap in a province to start work without them.

Mr. Joshi : What is the proposal ?

Mr. Basu : The proposal is that the disqualification in the general terms in which it stands now should be done away with, and that only offences which indicate moral turpitude should be a disqualification.

Lord Zetland : Might I ask—I am not quite clear—who will decide whether the offence involves moral turpitude or not ?

Mr. Basu : In the Indian Penal Code the offences are so clearly defined that a list could be made by the Expert Franchise Committee indicating which particular offences should be regarded as carrying disqualification.

Sir P. C. Mitter : Let us suppose a patriot goes to a village and purchases a piece of cloth in face of a political boycott. He is technically guilty of the same offence as another man who goes there to commit a burglary. The matter is not as simple as Mr. Basu thinks. I am quite willing to adopt the phrase he has used, " Moral turpitude," but I have not clearly before me the several sub-sections of the rule relating to such offences. If a man committed some offence with a particular object, I might even go further, but I am not able to go to the extent of saying that a man who commits murder, whatever his object may have been, should not be disqualified. A man who commits a technical offence in furtherance of a political movement certainly stands on a different footing from a moral criminal.

Mr. Joshi : If Mr. Basu will propose that all people who have been convicted and have undergone imprisonment for a certain period should not be disqualified, I am willing to support him. A man may have done something wrong, but he has paid the penalty, and he should not be penalised again. If we bring in the phrase " moral turpitude," we are landing ourselves in great difficulty. This principle of moral turpitude will not do, but if we accept the principle that a man who paid the penalty for his offence, whatever it is, should not be penalised again, I am in full agreement.

Chairman : " Moral turpitude," I agree, is very difficult to define. At present the rule is this, that if a man is sent to prison for a term exceeding six months he loses his right to vote for five years, yet there is a dispensing power, and the local government can consider each case on its merits and decide whether or not that rule shall be enforced.

Mr. Jadhav : I know that the rule has been relaxed in many cases, and the people to whom it would apply have been allowed to stand for election.

Chairman : I have before me the Electoral Rules, and they state that if any person is convicted of an offence under Chapter IX (A) of the Indian Penal Code punishable with imprisonment for a term exceeding six months, or is, after enquiry by the Commissioners for the time being, reported as guilty of a corrupt practice as specified in certain schedules, his name, if on the Electoral Roll, shall be removed therefrom, and shall not be registered therein for a period of five years from the date of the conviction or of the report as the case may be : or, if not on the Electoral Roll, shall not be so registered for a like period. But it is added, " provided that the local government may direct that the name of any person to whom this sub-Rule applies shall be registered on the Electoral Roll." That is the existing provision.

Mr. Tambe : That relates to the election. There is another rule. Chapter IX (A) is a new Chapter which has been added.

Sir C. Jehangir : This dispensing power on the part of the local government is at work every day.

Chairman : It seems to be extraordinarily difficult to lay down any general rule. It must be a matter of discretion in each case.

Diwan Bahadur Ramachandra Rao : To give discretion to local Governments, and to direct persons who have been convicted to apply to them, really places the Government in a very awkward position. I would like to have a rule which would operate without any discretion being exercised by the local Governments.

Sir C. Setalvad : You would have no disqualification though the man may have committed any offence ?

Diwan Bahadur Ramachandra Rao : I do not say that. But in certain offences a man is disqualified automatically.

Mr. Chintamani : I strongly support the plea against the vesting of discretion in this matter in the local Governments. The last speaker has put it with characteristic moderation. It is beyond question that occasionally such discretion is apt to be exercised, owing to one circumstance or another, in a manner prejudicial to the individual concerned. I may be a little more positive and state with confidence based upon knowledge of events in the part of the country from which I come that the vesting of this discretion in local Governments has led to the misuse of such discretion. It may have been done with the best intentions, but it has unquestionably created the impression that men of a certain political persuasion can easily get their disqualification removed, whereas others whose activities may be embarrassing to the Government for the time being cannot do so. If we were sitting as a private body I could state concrete cases and furnish the justification for this popular impression. I agree with Sir Chimanlal Setalvad that you cannot say there should be no disqualification whatever, but it should not be at the discretion of the local Governments, it should be something more precisely definable and not at the mercy of any Executive. You, Sir, have expressed a difficulty with regard to the phrase " moral turpitude." I am not going to put my opinion against yours, but I would humbly suggest this : in the criminal law offences are divided into various categories, against the person, against property, against public security, against the State, and so on. It can be seen that various categories of these offences do definitely involve moral turpitude. It is chiefly when we are dealing with

offences against the State that the difficulty arises. There one test has been suggested, and in some cases applied, in recent political agitations in my country. It has been considered whether a man's offence against the State has involved some physical violence or has been limited merely to speech. If the former a graver view is taken. If a man did not more than make a speech which was held by our judicial tribunals to be seditious and nothing more, his case stands on a different footing in respect to moral turpitude than that of the man who has committed violence against persons or property. It is for the Franchise Committee to go a little more into detail and make a recommendation which would remove the matter from the discretion of the local Governments and define the categories where disqualifications should remain and where they should be removed. It will suffice for my purposes if this Committee will recommend that the subject be considered in greater detail by the Expert Franchise Committee with a view to the avoidance of unnecessary hardship, and at the same time to the avoidance of the use of discretionary power by the local Governments.

Lieut.-Colonel Gidney : May I ask whether in the British Parliament there is any rule disqualifying a subject from being on the electoral rolls or from sitting in Parliament if he has been imprisoned ?

Chairman : The only disqualification relates, I believe, to lunatics and Peers.

Lieut.-Colonel Gidney : I would suggest for the consideration of this Committee, that it is not right for a man to be punished twice for the same offence. If he has been adequately punished by law, why should he, while continuing to enjoy other rights of citizenship and social rights, be debarred from voting in an election or from taking his seat on the Council ?

Sir Phiroze Sethna : I would suggest that the period which under the present rules is five years, should be reduced to three years.

Mr. Tambe : I think you will find that a voter is not disqualified on account of a conviction ; the law is that a person who has been convicted cannot stand as a candidate, though he may be a voter.

Mr. Zafrullah Khan : I agree with Colonel Gidney that, after all, the franchise law is not a law for the reformation of criminals. Moreover, if the disqualification is to disappear after a certain time, I do not see why it should exist at all. One does not expect that people after they have come out of gaol will be deterred from further crime by the fact that they cannot get on the electoral register for five years. On the other hand, there may be some logic in saying that a conviction in respect to an offence in an election shall carry with it the added penalty that such a person shall be disqualified for a certain period. In other offences my submission is that they should not be regarded as involving disqualification, not even the offence of murder. If a man is guilty of murder let him be hanged. The magistrate will never be influenced in the way of lighter punishment because he thinks that the poor man is going to suffer a political penalty. And again, as has been pointed out, when a man comes out of prison he does not lose any of his other privileges.

Khan Bahadur Hafiz Hidayat Husain : The difficulty arises in the qualification being the same for an elector as for the candidate.

Mr. Jadhav : A man is not deprived of his vote after he has been convicted, but he is not allowed to stand as a candidate for the Legislative Council for a period of five years. I do not think, Sir, that that rule should stand.

Chairman : That does not concern us.

I have now in my hands a copy of the Penal Code. Chapter IX (A) relates only to offences in regard to elections. That rather meets Mr. Zafrullah Khan's point. There is some logic in saying that if a man commits some offence relating to an election, he shall for a time lose his vote. That is the only rule, so far as I can see. Otherwise I do not think there is much substance in the point.

The other disqualification does not concern us in this sub-Committee, and now we know that this merely relates to electoral offences it seems to me there is very little substance in this discussion, and I think we might pass from it.

Mr. Tambe : There is one small disqualification I should like to mention. A subject of an Indian State living in British India cannot vote at present.

Chairman : I do not think we can deal with that. Now we come to question 4. The future electorate : " Should provision for future extensions of the franchise be made now or should Provincial Legislatures be given complete, or limited, power to alter their franchise at any time or after a given number of years ? "

Mr. Shiva Rao : I think Provincial Legislatures should not be vested with that power, because if that power is given to them I do not think they will be anxious to expand the electorate at all. On the other hand, I think a definite direction should be given to the Franchise Committee that the franchise should be so framed as to be capable of automatic expansion, so that at the end of a certain period—say ten years—we shall have universal adult suffrage. I think that definite direction should be given to the Franchise Committee.

Mr. Basu : I think our experience has been different. Soon after the inauguration of the Montagu Reforms, some of Provincial Legislatures—nearly all of them, I believe—extended the franchise by including women on the electoral roll. They did not misuse their power or leave it unused. Therefore, so far as the Provincial Legislatures are concerned, I think power should be given to them to expand or modify the franchise in any way they deem expedient in the light of their experience.

As regards the Central Legislature, they should be given power to modify or alter their own electorate.

Mr. Joshi : With regard to the point raised by Mr. Basu, I do not think he has given sufficient facts to prove that the Legislatures are really anxious to part with the power from the class which at present has it to the class which has not got it. He said the Legislatures have given votes to women, and it is true that they have done so, but to women belonging to their own class. He does not see the difference. I will give him my experience. In Bombay we have a Municipal Corporation and a Provincial Council. When the last Council was constituted certain qualifications were laid down for voters in Bombay City, such as as a man who pays in rent Rs. 10 per month for occupying rooms. While such a man was qualified to vote for the Provincial Legislature, he could not vote in the elections for the Bombay Municipal Corporation. The questiion was raised in the Bombay Municipal Corporation, and my friends—some of whom are here—opposed a change, and we could not get the Bombay Municipal Corporation to pass a resolution in favour of reducing the qualification and bringing it to the level of the qualification necessary for the Provincial Legislative Council elections. Our experience in connection with the Bombay Municipal Council, therefore, clearly shows that an economic class which holds the power in its hands will not easily part with the power in favour of another economic class.

It is therefore much better that an automatic expansion should be provided for, and, after all, there are very few here who have stated that ultimately power should not be transferred to the people generally Everybody pays lip homage to the ideal of universal adult suffrage. If that is so, let us provide for the establishment of that principle. The difficulties are said to be difficulties regarding machinery, but if the difficulties in universal adult suffrage are due to machinery you can adjust your machinery in a fixed

period to the needs of the automatic extension of the franchise. I therefore think this sub-Committee should give a definite direction that the franchise shall be extended automatically.

Diwan Bahadur Ramachandra Rao : What is to provide for this ?

Mr. Joshi : It must be provided in the Statute.

Diwan Bahadur Ramachandra Rao : The Statute must lay down here and now a scheme of automatic extension ?

Mr. Joshi : Yes.

Diwan Bahadur Ramachandra Rao : Until adult suffrage is reached ?

Mr. Joshi : Yes. The number of voters, it can be provided, shall be doubled, trebled, or quadrupled.

Diwan Bahadur Ramachandra Rao : The Parliamentary Statute would lay down the automatic expansion ?

Mr. Joshi : A Parliamentary or any other Statute.

Mr. Zafrullah Khan : I have no apprehension that if Provincial Legislative Councils are vested with the power of extending the franchise they will be chary of exercising it. On the other hand, I consider the advantage in adopting that method for the extension of the franchise is that if we, or even the expert Franchise Committee, proceed to lay down certain stages for the automatic expansion of the franchise, we or they should be doing so without the light of the experience that will be gained by the working of the immediate extension which we now contemplate. We should have to lay down, if we did it now, that the franchise must be extended along certain lines ; but if the Provincial Council are to exercise that power, the difference will be that they will be able to do so in the light of experience gained of the very large immediate extension that all of us contemplate as being bound to take place.

Once that has taken place, I think our experience shows that the Provincial Councils will not hesitate to extend the franchise as far as they think practicable having regard to the conditions prevailing in each Province. That will give each Provincial Council an opportunity to consider the circumstances of their own particular Province, and, though the advance in some Provinces may not be so rapid as in others, and though in some of them it may not be along the same lines as in others, if power is left to the Councils the advance will be suited to the conditions of each Province. We have laid down universal adult franchise as the ideal, and so directions can be given that if at any time one Province is lagging too far behind in putting into effect the principles laid down, power may be given to the Central Government or to some other authority after a certain number of years to see that the percentage of voters is brought up to a certain figure. I think, however, that even that power is not necessary, for I am perfectly confident the Provincial Councils will be perfectly ready to extend the franchise, and it is just for that reason, because I differ from Mr. Shiva Rao's estimate of the willingness of Provincial Councils to extend the franchise, that I say power should be given to the Provincial Councils, so that in some Provinces an immediate advance may be made, far in excess of what is practicable in other Provinces ; such Provinces should not be tied down by any automatic stages which may be fixed now.

Lieut.-Colonel Gidney : This sub-Committee has before it the recommendations of the Simon Commission, which advocated a periodic examination of the situation ; if I remember rightly, they recommend examination after ten years and another examination after 15 years. If we refer to the Government of India Despatch on this matter, we find that the Government of India, while accepting this point in principle, issues a note of warning. Mr. Joshi talks of an automatic expansion, but who is to operate that automatic expansion but the Legislature ? I submit the Provincial Legislatures should be given sole authority to extend the franchise when and how they think necessary and in the light of the experience gained. I do not think we can ask the Franchise Commission to provide for an extension of the franchise after stated periods ; I think that should be left entirely to the will and control of the Provincial Legislatures.

Dr. Shafa'at Ahmad Khan : I agree with Colonel Gidney that it is not possible to lay down here and and now any provision embodying the principle of an automatic increase. I think the Provincial Legislatures must have some power to extend the franchise, but I am not prepared to vest the Provincial Legislatures with complete powers in the matter. In the first place, I think there is a possibility that the ratio of the various communities in a Legislature may be disturbed. In the second place, we have had experience of the complete power given to the States of America, which have been working for about a century and a quarter, and they have abused that power in a number of cases ; they have disqualified certain communities, such as the Chinese and others, and they have manipulated constituencies. A danger is involved, therefore, in giving complete power to the Legislature, but I am quite prepared to give limited powers to the Legislature and leave some central authority power to supervise the application of that power if the Provincial Legislatures go wrong.

Sir Cowasji Jehangir : I think—possibly with the exception of one or two of my friends opposite—we are all agreed that the Provincial Legislatures should be given the right to reconsider the question of the franchise at a future date. One important point, however, is when ? Should there be a period for experience, say of five or ten years, before which no Legislature may consider this question ? That is one point which we must decide. I think, Sir, it would not be right to allow a Legislature to consider this important question of the franchise within its first or second sessions, as otherwise the Legislature may be constantly discussing this question, and there will be a feeling of uncertainty throughout the first critical period of working these Reforms. Secondly, Mr. Joshi has pointed out that he has no confidence in the Legislatures with regard to the question of extending the franchise. He says they will not be prepared to part with their powers, as he calls them. I do not agree with him. I am rather apprehensive the other way, that if the Legislature has this power it may rush into a broadening of the franchise a little faster and a little sooner than may be advisable. It is perfectly true the Bombay Municipal Corporation refused to accept the widening of the franchise, but a widening of the franchise did take place. It is this widening of the municipality franchise in the City of Bombay, and the results of that widening, which has made me and a large number of the people in Bombay apprehensive of the results that may accrue from a broadening and widening of the franchise, and therefore, although I do not desire to bring before a sub-Committee of this sort what is after all an unimportant matter, I will satisfy myself by saying that it is those very results which have made us apprehensive. It is the very lessons we have learned by the instance Mr. Joshi has quoted that make us desire to go a little slowly. I have no hesitation in saying that the Bombay Legislative Council, elected on this broader franchise, will not hesitate to broaden the franchise further if it is really in the interests of the Province ; and, if it is not in the interests of the Province, I trust the Bombay Legislative Council will have the strength—and I may say the good sense—to refuse to do it. Therefore, Sir, I have no hesitation in suggesting that it be left to the Council, but with a period of five years or ten years before anything can be done. I prefer ten years, but I do not want to be dogmatic, and if the majority of the sub-Committee prefer five years I will accept that.

Sardar Ujjal Singh : I do not think it would be desirable to lay down that any automatic extension of the franchise must take place after a stated period. As a matter of fact, as has already been pointed out, we should extend the franchise in the light of the experience that will be gained by the present extension. When we find that the present extension may be as large as 60 or 70 per cent. of the adult male population, we can see that it is a big extension, and we do not know what the experience here of the various Provinces may be so far as the present extension is concerned. At the same time, I do feel that if complete powers are given to the Legislature to resort to extension at any time they like they may rush through an extension too soon, and for that reason I agree with Sir Cowasji Jehangir that minimum period ought to be fixed before which no revision of the franchise qualifications decided on by the expert Franchise Committee can take place. At the same time I agree with what my friend Dr. Shafa'at Ahmad Khan has suggested, namely that this decision of the Provincial Legislature should be controlled by the Central Legislature or Federal Legislature or whatever it may be, so that the Provincial Legislature, with the approval of the Federal Legislature, may be able to extend the Franchise qualification to the extent that may be desirable in the various Provinces.

Chairman : Let me put to the meeting what Sir Cowasji Jehangir has suggested, as I understand it. I understand his suggestion to be that the matter shall be left to the various Provincial Legislatures, which shall have power to decide for themselves what extension of the franchise shall be made, but that there ought to be some limited period of time before such matters can be considered. I feel he is right there, if only for the reason that unless you have some limited period of time like that it is not much good setting up an expert Franchise Committee at all ; they will say " What are we wasting our time for ? "

The suggestion has been made that the period of time should be ten years, and, after all, we are embarking on a very substantial alteration of the franchise now, and ten years is a period of time which goes very soon. If we were to say that after ten years the matter should be left to the Provincial Legislatures to do what they thought proper, would that be the sense of this meeting ?

Mr. Jadhav : I think ten years is too long ; let us say seven years.

Mr. Basu : If you say five years it means six, because the life of a Legislature is three years. If you make it five years, then, it will automatically be ten years, for there will have to be two elections on the franchise which is first laid down.

Chairman : You want two elections ; that is the idea ?

A Member : It should be not less than ten years.

Major Stanley : After ten years it is quite possible that some Provinces will decide to go a long way at once, while others may not move at all, and the consequence is that in time you may get a tremendous disparity between the voting strengths in the different Provinces. I do not know whether we ought to give somebody the power to institute an enquiry, say after 15 years, into the respective qualifications in the various Provinces, with a view to removing disparities.

Lieut.-Col. Gidney : If during that ten years a community finds it is suffering from a serious drawback or disadvantage, must it go on for ten years before it can change things ? I do not think that is right.

Sardar Ujjal Singh : You cannot gain experience with less than two elections.

Mr. Jadhav : Would any Legislative Council have the power to go back after ten years and restrict the franchise ? Some of them might wish to do that.

Chairman : Their powers would be powers of extension, not of diminution.

Dr. Ambedkar : I should like to say a word on this subject, without prejudice to the position we have taken all along. It seems to me that as compared with the alternatives which have been suggested, one by Mr. Joshi that there should be some law providing for automatic extension, and the other, the main proposal, that the matter should be left to the sweet will of the Legislatures, the recommendations made by the Simon Commission seem to me to be better and to be more readily acceptable from my point of view. It might be much better, as I say, to have some authority which will investigate at the end of a definite period exactly what has been the result of the working of the franchise up to that period. That body will be able to see what disparity there has been as between the different provinces. That body will be able to see what is the machinery existing at the end of the ten years, in order to cope with the elections if the franchise were to be altered, and that body, being impartial itself, will be able to deal with the rights of the mass of the people much more readily, in a much more just and equitable way, than the class-conscious people who may be installed as the result of the limited franchise which we are introducing to-day. For these reasons it seems to me that the proposals of the Simon Commission are better than the alternatives.

Sir Cowasji Jehangir : Who is to set that up ?

Dr. Ambedkar : Just as Parliament in the Act suggested that there should be a Public Services Commission, so it could be suggested that there should be the appointment of a Committee.

Sir Cowasji Jehangir : By the Central Government.

Dr. Ambedkar : Yes.

Chairman : I think I know enough now to draft a Report on this subject, but I should like to know what is your view—not that we shall here and now recommend that any Expert Franchise Committee or any other Committee should be set up after 15 years, say, but in view of the possibility that one Province might extend its franchise much more generously than another, so that the whole thing might get out of step, ought we to contemplate the possibility of any body being constituted to look into the matter then, to try and adjust things, or shall we merely content ourselves with leaving things to the Provinces, or ought we to follow Dr. Ambedkar's idea of a Committee ? We need not say that it has to come into being, or when it is to come into being, but that it might function if it came into being.

Mr. Basu : At any period when the Central Government desired to appoint a Committee.

Chairman : We will not say how it is to be appointed, but what do you say about the possibility of appointing such a body ?

Diwan Bahadur Ramachandra Rao : I think the Government of India should set up such a body, not that Parliament should set up such a body.

Dr. Ambedkar : What difference does it make ?

Diwan Bahadur Ramachandra Rao : We are leaving great freedom in all these matters. I would like to eliminate parliamentary control. I should like to know what the proposal is. If you say that after a number of years it shall be competent for the Government of India to appoint a committee to look into this question in the whole of the Provinces, I shall have no objection, but if it is a question of Parliament going into this question again in ten years, I object to it entirely. I have no objection to the Committee being appointed by which the franchise will be extended, but I should like that power vested entirely in the Government of India and to be exercised at its discretion whenever there is necessity for such a thing within a certain number of years, or after a certain number of years.

Dr. Ambedkar : How has it any bearing on the functions of this sub-Committee whether this Committee is appointed by Parliament or by the Government of India ?

Diwan Bahadur Ramachandra Rao : We are devoluting authority to India from Parliament, because in 1919 when this question came up before the Parliamentary Committee, I and several others with me contended that there should be devolution of questions like this to authorities in India ; and because such a step was not taken, we are now confronted with the accumulated complaints about franchise which are now being investigated, and they could not be investigated then because parliamentary permission was required. Therefore I suggest that any step taken in that direction should be devolution of complete power to the Government of India, to be exercised at its discretion to go into the whole question of franchise in a certain number of years. That is a point upon which I really desire to lay some stress.

Lord Zetland : My own view would have been that this is a matter which should properly be left to the Provinces. I understood that most of my friends here came over from India with the intention of asking for complete responsible self-government in the Provinces, Provincial autonomy—in other words, self-determination. Each Province was to be at liberty to work out its own salvation, and personally, therefore, I should be content to accept the formula put forward by the Chairman, that after a period of ten years it should be open to each Provincial Legislature to take what step it considered desirable in the matter of the extension of the franchise in its own Province. If that is done I do not myself expect that you will find one Province lagging very far behind another. It is possible that you may get a certain amount of difference in the different Provinces, but that will probably be due to local circumstances, and therefore will be desirable ; but if it is the general feeling of the Committee that you ought to have some outside authority which should have the power of stepping in at any time and pointing out to any particular Province or to Provinces that they are lagging very far behind the others, if you want an authority of that kind, then it seems to me that it might possibly be done in this way. If a federal court is set up under a federal system, you might give the federal government the right, from time to time, to submit the matter to the federal court for their consideration. That is, of course, making a lot of assumptions. We do not know whether we are going to have a federal court in India, or how it is going to be constituted, but it does seem to me that that is a sort of way in which you might bring in what might be described as a neutral outside authority, should it at any time be thought desirable to bring in an outside authority to advise one or other of the Provinces to go a little faster.

Sardar Ujjal Singh : I can well understand that the federal government should be charged with the duty of setting up a Committee for extending the franchise, but I do not quite follow what is meant by representing the matter to the federal court. How is that to be a matter which will be submitted to the court for decision ? The federal government can be charged with the duty of setting up a body which should go into the question of the extension of franchise after a particular period, when a certain Province has not acted in a way in which it ought to have acted, but I do not quite understand how the federal government could submit the matter to the federal court to get a decision on this matter.

Lord Zetland : I brought in the federal court as it seemed to me to be a neutral body, but I admit that I have not thought the question out. Surely it is a legislative matter. The franchise is extended by legislation.

Sardar Ujjal Singh : The setting up of a Commission is a political matter dealing with political rights.

Lord Zetland : It is done by legislation. After all, in this country we have no outside authority to tell us from time to time whether we ought to extend our franchise or not. The franchise has been extended in this country by Parliament, and I cannot myself see, therefore, why the same process should not work perfectly well in the Provinces of India.

Sardar Ujjal Singh : In that case, then, I can understand this, that if a particular legislature does not act properly, then the Central Legislature or the federal legislature should have the power to go into the matter and extend the franchise in a particular Province and act for them. That I can well understand. Or the Central Government may set up a Commission to go into the question of the franchise for a particualar Province and then see whether adult franchise or an extension of the franchise is not desirable ; but certainly I do not quite follow how the matter should go to the federal court. Either the Central Government should act or the Central Legislature should act.

Chairman : My impression, I am bound to say, is this. I think it is very difficult to work the thing really with the federal government intervening. If you have a federation—we none of us know whether you will, but if you do have a federation—it is very difficult, I think, for the federal government to intervene in such a matter. There would be a good deal of jealousy between the federal government and the Provincial governments. There always is ; one always says that the other is over-stepping the limit, and so on. It would make for a good deal of bad working if the federal government had the right to legislate for a Province and to say who were to be the voters for the Provincial elections of a Province. I think you are stirring up trouble for yourselves. But I do not mind ; and I will gladly give way to the feeling of the Committee, but that would be my impression from what I know about federal legislations—that you are asking for trouble if you do that.

Sir Cowasji Jehangir : May I say one word. There is only one point on which I have a little hesitation, and that point has been alluded to by Dr. Shafa'at. If I may say so, I have no great apprehension of one Province going far ahead of another. If it does, probably, as Lord Zetland said, it will be most suitable for the Province. Therefore you will have differences between the Provinces. You cannot help it. In a country like India it is impossible to have uniformity, but a legislature may go wrong in adjusting its franchise with regard to the rights and interests of minorities, and there I could understand there being some apprehension. It is not a new question, Sir ; it is a question that has already been brought up before ; I am not referring to anything new, and all my friends opposite are fully alive to this question although it has not been brought up immediately just now to-day. A legislature may adjust its franchise so that a minority may be deprived of its voting strength. It may happen ; and therefore I could quite understand there being some apprehension on that point, and therefore if anybody suggested a right of appeal by a minority, I could understand it. Beyond that, I think the legislatures may be trusted to do the best thing in their own interests.

Sir Chimanlal Setalvad : That would be a question for the Minorities Committee.

Sir Cowasji Jehangir : There is nothing new in that. These points have been considered on many occasions.

Chairman : Very well, I think we had better leave it to the Provinces. Then I will make a report on those lines.

Now we come to the last question : " Should the franchise of any directly elected federal or central legislature be the same as that for the provincial legislature, or if not in what way should the provincial franchise be modified " ? I would point out, if I may, that this assumes there is to be a directly elected

central or federal legislature. Of course, that is a big assumption, but we make that assumption for the purpose of answering this question; we do not go into it. Now, on that assumption, is your franchise to be the same as for the provincial legislature, or if not, in what way should the provincial franchise be modified ?

Mr. Basu : There is another difficulty, and that is whether the provincial legislatures or the central legislature are to be bicameral or not, and whether the franchise for the two chambers should be the same or different. At present in India the two things are the Council of State and the Legislative Assembly. The Council of State franchise is different; it is actually higher than the franchise for the Legislative Assembly, and the franchise for the Provincial legislatures is further lowered. My suggestion is that so far as the Lower House of the Central Legislature is concerned, and so far as the Provincial legislatures are concerned, the franchise should be the same. As regards the constitution of the Second Chamber in the Centre, that is a complicated question, and unless we have some information from the Federal Structure Committee as to what is to be the kind of Second Chamber that they are likely to recommend, it is impossible for us to make any recommendation.

Sir P. C. Mitter : Generally speaking, I am in favour of direct election, but I consider that it is physically impossible unless we are prepared to have 2,000 or 1,500 or 2,500 members in our Central Legislature, to have direct election, and to have a real direct election where the candidates and the voters will be in touch with each other. Therefore, in view of the practical difficulty we must have some kind of indirect election, and as that is not the immediate question I would continue by saying that I hope that any one who recommends direct election would also kindly indicate the franchise, the number of seats, the number of constituencies and other relevant important points.

Mr. Jadhav : Direct election is an important question, there is no doubt. If direct election to the Legislative Assembly is laid down, then what should the qualifications of a voter be ? At present there is a different qualification for the vote for a member of the Legislative Council and the qualification as a voter to the Legislative Assembly, and the consequences are also very different. At present in the Bombay Deccan, seven districts form one constituency. No, if the same qualification be prescribed for a voter of the Legislative Assembly as for a voter of the Legislative Council, then the number of voters for the Legislative Assembly will be enormously large, and the member will find it very difficult to canvass such a very big constituency. For that purpose it will be necessary to increase the number of members of the Legislative Assembly. At present the number of the Legislative Assembly is very small, and the Simon Commission recommends that there should be, on the whole, or generally, a member for a million of population. If that be accepted, and the number of seats is increased under that proposal, then I think there would not be much difficulty in having the same qualification as the qualification for a voter to the Legislative Council; but if the number of the Legislative Assembly is to be much smaller, and therefore each constituency is to be bigger, then of course there ought to be a difference in qualifications.

Sir Hubert Carr : It seems to me that we ought to be ready to make a very pronounced difference between the qualifications for voters in an electorate to the Provincial legislature, and to the Central one. We have heard a great deal in the last day or two about the rights of the voters, and it has been said that voters should be given a chance to show their worth. Now, when it comes to the Central Legislature, I feel rather inclined to the other point of view which has been advanced. One view was that it requires a responsible electorate in order to have a responsible government, and another was that we cannot use the electorate merely as educational; it is too expensive. I personally feel that very strongly when we get to the Central Legislature. The franchise is extremely useful to the under dog if he knows how to use it, but if he does not, I do not see that using democratic principles is really going to help him in the way he hopes.

Democracy is much more likely to turn into an ochlocracy—the rule of the rabble—if we extend it too far, and make the qualifications too low. I am glad to see the franchise increased in the provinces. I want to see it increased in the rural areas. But when it comes to electing a Central Legislature on which we hope to place great responsibility for the security and prosperity of these millions in India, I think it is looking at the matter from the wrong standpoint if we simply consider the rights and likes of the voter. The question is as to the emergence of his duties and his responsibility, and until he has proved himself fit to exercise a really intelligent vote I hope he will not be allowed to vote in the Centre, in other words, that the qualification will be kept up to a level which will make it an honour for any man to be on the Central Electorate.

Lord Zetland : Personally I do not think that direct voting for a Central Legislature is possible in a country of the size of India, but as we are discussing it on the basis that there is to be a directly elected Legislature, it is obvious that the qualification would have to be a very restricted one. India is the size of the whole of Europe, leaving out Russia. Let us suppose that at some future time Europe had to set up some Central Parliament, say in Rome, or Paris, or Berlin, would it be regarded as a practical proposition that the couple of hundred members of that Central Parliament should be directly elected by adult suffrage by the whole of the people of the different countries of Europe. Consider for a moment the size of the existing constituencies which return members to the present Legislative Assembly. Take the rural constituencies, of which there are, I think, 73. Those constituencies vary in area from 6,000 square miles to 62,000 square miles, in some cases with a population running into 6 millions. In this country the average size of an English county is about 1,000 square miles. The county which I know best—Yorkshire—is the largest, with, I think, an area of about 6,000 square miles, that is to say, it is exactly the same size as the smallest of the rural constituencies in India for the present Legislative Assembly. How many members does Yorkshire send to the House of Commons ? I will not complicate the matter by bringing in the number of members of boroughs, of which there are a large number in Yorkshire, but the county, I believe, sends 26 rural members to Parliament. Compare with that the smallest of the constituencies in India returning members to the Legislative Assembly, and sending one member only as compared with the 26 rural members sent by Yorkshire. That gives you a good idea of the absurdity of suggesting that this can be regarded in any real meaning of the word as representative government. It is quite obvious that when we get to these much larger constituencies, such as a constituency running into over 60,000 square miles, a constituency larger than the whole of the British Isles, with a population scattered all over the countryside in small villages, which as often as not have not got a metalled road, and are in most cases not within reasonable reach of a railway, the problem assumes most formidable dimensions. When we consider all these factors, including the further fact that only a few people in each village can take advantage of the written word, surely we must realise that to give a wide extension to a direct franchise for returning members to the Central Legislature really becomes a practical impossibility. Therefore I say that, although I do not for a moment believe that direct election is possible for returning members to a Central or Federal Legislature in India, if we are to discuss this question on the assumption that there is to be a direct electorate, we must make the qualification as restricted as possible, in order that the unfortunate member who represents this vast area may get into touch with his constituents.

Khan Bahadur Hafiz Hidayat Husain : The Federal Legislature will be composed of two Houses, although

we are not certain as to its constitution. I have no doubt, with all due respect to Lord Zetland, that if you want to have authority in the Centre—as has been argued so often here and in India—you must have direct representation in the Central Legislature. Unless and until the representatives are in direct touch with the electorate, that electorate will not feel the responsibility which arises only out of such direct touch. In the Second House no doubt there might be indirect election, but if real authority is desired, direct election in the case of the First House is necessary I have no doubt that the qualification in the case of the Central Legislature should be higher than in the case of the Provincial Legislature. The analogy between England and India which Lord Zetland has drawn is not quite complete nor entirely apt. In this country there are many diverse interests which have to be represented in Parliament, and unless the constituencies are small, it is impossible for these interests to be represented adequately. But in India the rural interests are the same, and whether a constituency is of 100 square miles or 1,000 square miles, does not matter. The interests and questions arising in these constituencies are very similar.

Mr. Zafrullah Khan : It is possible that a scheme might be accepted—I do not say it is to be supported—whereby a proportion of the representatives might be elected by the Provincial Legislative Councils—that is to say, indirectly—and only a proportion directly. That would have the effect of further reducing the number of directly elected representatives and in that case those considerations which Lord Zetland has put forward will be further emphasised. We must necessarily, by the sheer force of logic and of facts, restrict the franchise qualification for the Central Legislature to such an extent that the elections shall be easily practicable and the machinery of elections shall at no time break down. There is one further small factor. As we are contemplating universal adult franchise for the Provinces, and make no distinction for the Central Legislature, at some point of time we shall arrive at universal adult franchise for the Central Legislature. This will mean an enormous mass of many millions of voters. Consider the task of counting, on a modest estimate, 150 million ballot papers, supposing that the elections for the Central and for the Provincial Legislatures take place at the same time. That will show you how impossible it would be to carry out the double election on the basis of adult franchise. There is no escape from the fact that if there is to be direct election some fairly high qualification will have to be devised.

Mr. Joshi : I am not speaking with very much hope of convincing this body, but I think it is my duty, as representing certain interests, to state what I feel on this matter. I feel that there should be no difficulty in India in introducing adult suffrage for the election of the Central Legislature. In the first place, we could increase the membership of the Legislature to about 600. There are in India 275 districts, and the average area of a district is about 3,000 square miles, or half the area of Yorkshire. Therefore it cannot be said that our constituency will be so large that nothing of the kind exists in England. If we have 550 members in the Central Legislature, we shall have an area of constituency for every two members of 3,000 square miles. There is no physical impossibility about forming such constituencies in India.

Sir Chimanlal Setalvad : The member is forgetting that Yorkshire has, not one or two, but 26 members.

Mr. Joshi : We shall have two members for each district. But even for provincial legislatures we have got one member for a district, and if we are running elections with one member for one district we could certainly run elections still more easily with two members for each district. I think, therefore, that there is no really great difficulty, as made out by some people here, in the introduction of adult franchise. On the matter of principle, however, I am not against the introduction of indirect election with adult franchise. I do not wish to propound a scheme for indirect election, but some system of electoral colleges might be set up. We can certainly devise a system whereby elections can be made ten times easier than they are to-day. We have got to-day, even for the Provincial Legislature, one member for each district, and with a House of 550 members in the Central Legislature, there would be two members for each district.

Sir Cowasji Jehangir : Does Mr. Joshi mean that the Central Legislature should have 550 members ?

Mr. Joshi : Yes.

Sir Cowasji Jehangir : And that each district in the whole of India should return two members ?

Mr. Joshi : Yes—275 districts.

Sir Cowasji Jehangir : What about the Indian States ?

Mr. Joshi : They would have one-third more. I think it is quite possible. In Europe there are Legislatures with large memberships of 600 or 800 which are functioning, and apparently functioning efficiently.

Sardar Ujjal Singh : I do not desire to discuss the merits of direct or indirect elections. Much can be said for both sides, and probably a compromise might be arrived at as in other Federations, where the Upper House is elected by indirect election and the Lower House by direct election. But there is one difficulty with regard to the size of the constituencies in a country as large as India. It is quite true that if the number of members in the Central Legislature is increased say to 300, if not to 500, the size of the constituencies will be one-third of what it is at present. There are now 90 territorial constituencies throughout India. But on account of communal representation one member has to cover a larger area than would have been the case were it not for such communal representation. For that reason the size of the constituency is very much enlarged. In that case unless there is some difference—and I should say a great difference—in the qualification for the Provincial Councils and the qualification for the Central Legislature, the task of the candidate would become almost impossible in direct election.

What I would suggest is this. You have laid it down in the case of the Provincial Legislatures that the franchise qualification shall be so widened as to cover 10 per cent. of the population ; that is to say, the existing voting strength in the Provinces will be trebled. I suggest that in the case of the Central Legislature also the existing voting strength should be increased three times, the necessary qualifications being determined by the expert Franchise Committee.

Chairman : I should like to suggest this for your consideration. I do not see how we can really pronounce any opinion on this unless and until we know, for instance, what the size of the Central Federal Legislature is going to be. If it is going to be a Legislature of 800 to 1,000, I can understand that one form of franchise is practicable ; if, on the other hand, it is going to be a Legislature of 200, another form of franchise becomes necessary. How can we make any pronouncement at all when we do not know what the size of the Legislature is going to be ? Is not this all we can possibly usefully do, to say that the question of the franchise, if there is to be a directly elected Federal Chamber, must be related to and dependent on the size and composition of that Chamber, and that in the absence of any knowledge of what that is and of any right to decide what it shall be we cannot usefully make any recommendations, beyond pointing out that it seems to us probable that, unless that Legislature is going to consist of a very large number of people, some definite reduction in the number of persons entitled to vote will be essential.

Lieut.-Colonel Gidney : Some higher qualification.

Chairman : Yes, some higher qualification will be essential. I suggest we leave it vague like that, making it plain that in absence of knowledge of what the Central Chamber is going to be like we cannot make more detailed suggestions.

Sir Cowasji Jehangir : I was told the question of direct or indirect elections was being decided by the Federal sub-Committee.

Mr. Joshi : If indirect election means election by the Provincial Legislatures it is one thing, but if it means what I suggested—say a hundred voters electing a secondary voter, and so on—it is a different thing. I do not know what you mean by indirect election.

Chairman : We do not know either. It is not for us.

Mr. Joshi : We speak here of direct and indirect election. In my judgment if we have an Assembly which is not elected by the Provincial Legislatures we can regard that as being a directly elected body.

Chairman : You had better leave it to me, perhaps, to make some draft report which we can consider at the report stage.

Dr. Ambedkar : It is now evident, at least to myself and some of my friends, that we shall have to record a note of dissent from certain propositions that will be placed before the sub-Committee. Will it be permissible for us to submit to you a note of dissent on the various points, which you may be kind enough to append to the report, or will you allow us some other method ?

Chairman : I do not think that up to the present any of the sub-Committees have appended minority reports, as it were ; I think the report of the sub-Committee has been one report, but has indicated on its face that certain members—naming them if necessary—have dissented.

Dr. Ambedkar : I should like, with your permission, to point out one disadvantage which I see in that procedure. If we are not allowed to record our minute of dissent, you do not give us an opportunity to put our suggestions in a concrete form, which we should like to do if we may be allowed to do so. We are allowed the negative liberty of saying we do not agree, and that is all.

Chairman : I am not sure we cannot meet you. I think you have made your objection quite clear. What you want really is adult suffrage, and I think we have got a sentence in to indicate that certain members of our sub-Committee—naming them—objected to this because they thought the system of adult suffrage was the only satisfactory system. That states the point.

Dr. Ambedkar : What we should do would depend on the report.

Chairman : Let us leave the difficulty until it arises, and then see if we cannot meet you. I think we can.

Sir Hubert Carr : Apart from the danger of overlapping, there is the danger of something slipping through. I have in mind the question of representation. The Provincial sub-Committee has already reported without saying anything about representation, and here we have discussed suffrage but have not dealt with representation. The representation of minorities will come before the Minorities Committee.

Begum Shah Nawaz : And of special interests.

Sir Hubert Carr : But when it comes to this question of urban and rural representation, I am not quite sure where that will be discussed.

Mr. Joshi : The composition of the Legislatures.

Chairman : I will mention that point, if I may, and see what had better be done about it. You refer to such questions as the size of the Provincial Legislatures ?

Sir Hubert Carr : And the qualifications of the candidates for the Provincial Legislatures.

Sir P. C. Mitter : And whether urban and rural should be separated.

Mr. Zafrullah Khan : They are separated already.

Begum Shah Nawaz : They are in my Province.

Chairman : I will have a note made of that, Sir Hubert, and mention it when we meet again to consider our report on these matters.

Sir Cowasji Jehangir : I should like to draw your attention to one more point on which enquiry may be made, namely, whether the Federal sub-Committee is going to report on direct or indirect elections for the Central Legislature, for both Chambers or for one Chamber, and what we are expected to do—whether as a franchise committee we should give an opinion on what sort of franchise there should be for the Lower House or not. If they are going to do that I would rather not do it here.

A Member : That is Heading No. 4 for the Federal sub-Committee.

Sir Cowasji Jehangir : Then I have nothing further to say.

(The sub-Committee adjourned at 4·40 p.m.).

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE NO. VI. (FRANCHISE) HELD ON 1ST JANUARY, 1931.

DRAFT REPORT.

1. * * * *

2. The sub-Committee met on the 19th, 22nd, and 30th of December, 1930 and on the 1st of January, 1931, and have authorised me to present this Report.

3. In our discussion of the franchise principles we have found that they were closely connected with questions which more properly concern the composition of the legislatures, the nature of the constituencies, and the qualifications for candidates for election. These points have not been considered in the sub-Committee as they fall outside its terms of reference but we are of opinion that they should be examined by a competent body since the efficacy of any franchise system depends as much on these points as on the qualifications for the franchise.

4. *Extension of the Franchise.*—While it was generally held that adult suffrage was the goal which should ultimately be attained, it was agreed that the basis of the franchise could forthwith be broadened and that a large increase was desirable.

Some difference of opinion existed as to the extent to which this was practicable in present circumstances, and it was realised that the sub-Committee had not the necessary material to determine the precise limits of the advance. The Statutory Commission suggested such an increase in the number of electors as would bring that number up to ten per cent. of the total population. Some of our members thought that an increase to twenty-five per cent. of the adult population was immediately practicable.

We recommend that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than ten per cent. of the total population and indeed a larger number—but not more than twenty-five per cent. of the total population —if that should, on a full investigation, be found practicable and desirable.

We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20, for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them.

(Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan regard these proposals as only " second best " and consider that the immediate introduction of adult suffrage is both practicable and desirable.

Sir Cowasji Jehangir, Sir P. C. Mitter, and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered.).

5. *Uniformity of Qualifications for the Franchise.*—We recommend that in any given area the franchise qualifications should be the same for all communities ; but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable.

(Sardar Sampuran Singh dissents from the latter part of this conclusion).

6. *Property Qualification.*—We consider that there should be a property qualification for the franchise and that in this connection the word " property " should be understood in its widest sense as including not only the ownership of landed property but also the occupation of landed or house property or the receipt of income or wages whether in cash or kind.

7. *Educational Qualification.*—We are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the ideal enunciated at the end of paragraph 5.

8. *Military Service Qualification.*—We are agreed that the existing Military Service qualification should be retained and we recommend that the Franchise Commission should consider the extension of this qualification so as to include service in the Auxiliary and Territorial Forces.

9. *Special Franchise Qualification for Women.*—We observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory, or as likely to lead to good government where such a great disparity exists between voting strength of the two sexes. We do not anticipate that the recommendations we have already made will reduce this disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We therefore agree that special qualifications should be prescribed for women but we feel that there is not sufficient material before us to justify an attempt to formulate these special qualifications. We therefore recommend that the Franchise Commission should devote special attention to this question in the light of all the evidence available including the recommendations of the Statutory Commission and the suggestion made in this sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be lowered from 25 to 21.

10. *The Franchise for Special Constituencies.*—We are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. We are not empowered to consider the latter point nor are we in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this sub-Committee a division of opinion has shown itself as to the desirability of permitting a voter qualified in both a general and a special constituency to vote in both.

11. *Urban and Rural Enfranchisement.*—We are of opinion that the Franchise Commission should endeavour so to adjust the franchise qualifications as to remove in those areas where it may exist any marked disparity in the operation of the franchise qualifications in urban as compared with rural areas.

12. *The Residential Requirement.*—We are of opinion that the residential qualification for the vote required by the electoral rules of certain Provinces should be abolished.

13. *The Future Electorate.*—We consider it inadvisable to lay down any programme of automatic extensions of the franchise. We prefer that it should be left to each Provincial Legislature to extend its franchise at its discretion after the lapse of 10 years from the date of the introduction of the new Constitutions.

14. *Franchise for the Central or Federal Legislature.*—The form of the Central or Federal Legislature has not yet been decided and in these circumstances we find it impossible to offer more than an observation of a very general character on a suitable franchise system for any directly elected Chamber that may be constituted. Assuming that there is to be some element of direct election it may be found practicable to enlarge the existing electorate for the Legislative Assembly according to the general principles which underlie our recommendations for increasing the provincial electorates ; and in so far as this is practicable we should consider it desirable. The danger of an unwieldy electorate is however a real one unless the number of representatives to be elected is very large, and in that event the elected body would itself become unwieldy.

DISCUSSION.

Chairman : We will take this Draft Report section by section.

Section 1 merely sets out the terms of reference, and the Delegates. I take it that is agreed. (*Agreed to*).

Section 2 merely records the dates on which we sat. (*Agreed to*).

Are there any objections to paragraph No. 3 ?

Sir Hubert Carr : I should like, with regard to the words " by a competent body," to bring in some suggestion like " by a body of this Conference," because I feel that the question of the qualification of candidates for the legislature is really one of principle.

Chairman : Would this meet your point, Sir Hubert : supposing we said " should be further examined " and leave out the words " by a competent body " ? I do not think it is for us to dictate to the Conference, or even suggest to them, what they should do about it. It is not within our terms of reference.

Sir Hubert Carr : Very well.

Chairman : It is suggested that before the word " examined " we should put in the word " further ", and leave out the words " by a competent body." Is that agreed to ? (*Agreed to*).

Are there any remarks on paragraph No. 4 ?

Dr. Ambedkar : I beg to move an amendment to paragraph 4, namely, that in the second section, line 2, to add the following words after the word

" practicable " —" with the electoral machinery available in present circumstances ". It would then read " Some difference of opinion existed as to the extent to which this was practicable with the electoral machinery available in present circumstances ".

Several Members : There are other grounds.

Dr. Ambedkar : That is my amendment. I leave it to the Chairman as the best judge to sum up the sense of the Committee, but the impression that was left upon my mind was that the majority of those who opposed universal adult suffrage as being practical politics for the immediate future did so mainly upon the ground that there was not sufficient electoral machinery in India to cope with the situation if everybody was allowed to vote.

Chairman : I do not think myself, Dr. Ambedkar, that that was the sole ground on which the matter was put. It was one of the main grounds, but in recording the view of the Committee I do not think we should limit ourselves to saying that that was the sole ground. For instance, the difficulty of communications, and the lack of facilities for travel, and so on, were also very much stressed.

Dr. Ambedkar : I would rather like to have it made clear in the Report.

Mr. Joshi : You might put in some such words as " practical electioneering difficulties ".

Sir Cowasji Jehangir : But there are other objections.

Mr. Joshi : We are talking of the general majority, and not of those people who do not want to vote on principle.

Chairman : I think what is already stated meets the point. After all, you and Mr. Joshi come in under the note at the end.

Dr. Ambedkar : I quite see that. Although we stand for the ideal, we may have to accept the second best, but we should like to have the second best as good as it can possibly be made. I think my point ought to be made clear, so that the Expert Franchise Committee might consider it.

Chairman : I do not think that would meet the majority of the Committee. I think the majority of the Committee would rather feel that the words should not be qualified. Very well.

Now what about the next sentence beginning " We recommend that an Expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than ten per cent. of the total population and indeed a larger number—but not more than twenty-five per cent. of the total population—if that should, on a full investigation, be found practicable and desirable ".

Dr. Ambedkar : I have an amendment on page 3. Instead of the words " but not " I should like to have the words " and even " substituted.

Chairman : Many of us felt, and I am one of them, that an immediate increase of twenty-five per cent. was straining it somewhat, and I do not think we should be asked to strain it further. Again, you come in under your reservation, Dr. Ambedkar.

Dr. Ambedkar : My second amendment is to strike out the words " and desirable ". This matter, whatever increase is desirable or not, is really one which must be decided by this Committee. It cannot be decided by the Expert Franchise Commission. That Commission is to be appointed to devise ways and means to carry into effect the decisions we take. How much increase is desirable is certainly a matter which cannot be left to the competence of the new Franchise Commission. From that point of view I think it is necessary to drop these words.

Chairman : It is very difficult to separate what is practicable and what is desirable. " Practicable " is an elastic word. It may be a very difficult thing to achieve or it may be a comparatively easy thing to achieve; but it may be possible of achievement and therefore you will say it is practicable. In considering the desirability, you can hardly shut out of your mind the extent to which the thing is practicable. The two must come in together to a certain extent.

Dr. Ambedkar : We have decided that in our opinion an extension which covers twenty-five per cent. of the population is desirable.

Chairman : You use such an elastic word as " practicable ". That is the difficulty I feel. You cannot put the two words in completely watertight compartments. What is practicable must react on what is desirable, and you use a very elastic word. I think it would be wiser to keep both there. We give a clear view of our indication by saying at the very outset that we look forward to adult suffrage as an ideal.

Mr. Joshi : I propose that we should amend this paragraph in this way: " increase of the electorate so as to enfranchise not less than twenty-five per cent." You state below that we consider this to be the second best. I am prepared to consider my amended proposition as a second best, but not the one which is proposed.

Chairman : Does that mean that if we put it in in that way you would be prepared to strike out your name from the dissent at the end ?

Mr. Joshi : No. I am prepared to say that it is a second best.

Chairman : I think we had better leave it as it is. Is that the sense of the Meeting ?

Mr. B. V. Jadhav : In that case the word " adult " in the second section of No. 4—page 2, third line from the bottom—should be struck out.

Chairman : Yes. That word should go out I think.

Sir Chimanlal Setalvad : Some people held the view that it should be twenty-five per cent. of the adult population.

Lord Zetland : If you have " adult " in one place you must have it in the other as well.

Chairman : We had a discussion on this at the time. There was some little confusion. It was made plain that what was meant was total population. After saying that the Simon Commission recommend ten per cent. of the total population, we then record that some of our members thought that an increase up to twenty-five per cent. of the " total population ", it should read, is practicable. Over the page we make our recommendation that there should be an attempt to enfranchise ten per cent. of the total population, and indeed a larger number, but not more than twenty-five per cent of the total population, if that is found practicable and desirable. The word clearly should be " total ". We will accept that amendment.

Now what about the paragraph beginning " We recommend that ".

Raja of Parlakimedi : The idea is to ensure the getting of a great percentage of rural people into the Legislature. As such I would suggest that they would have a separate constituency of their own, and we might say specifically that they should have separate constituencies.

Chairman : We thought we had better leave it quite open, as we have done here, because it really is hardly within our purview.

Diwan Bahadur Ramachandra Rao : It does commit us to the statement that they may be grouped in the same constituency. I am not prepared to commit myself to saying now that these people who come in by grouping should come into the same constituency.

Chairman : Have you any objection to saying that the Commission should consider the introduction of a scheme ? That is all they are asked to do. We have

not had the material or the time or the knowledge to look into these things. All I want is some expert body to go into this matter and consider it.

Sir P. C. Mitter : I have no objection to the Draft but I would like it to be added that in my opinion it would defeat the object of giving the rural voters more representation if you bring them in the same constituency.

Chairman : You do not mind them considering it ?

Sir P. C. Mitter : No, but I want you to add, if you will, that in the opinion of one member of the Committee it will defeat the object.

Chairman : It does not give any instructions to anybody. This does not commit us at all. All we are saying is that some body, to be constituted, should consider this question in both aspects.

Sir P. C. Mitter : Very well, I do not press my point.

Diwan Bahadur Ramachandra Rao : May I suggest putting in the words " or in some other suitable manner " after the words " in primary groups of about twenty " ?

Chairman : I do not mind.

Mr. Joshi : I have an objection in principle to allowing these words to stand " in the same constituencies ". This really means that we are creating a low kind of citizenship for the poorer classes of people. I quite understand individuals saying that the poor people must wait on account of the difficulties of perfecting our electoral machinery, but we are now suggesting that we should create electoral machinery by which the poorer people will be placed on a lower citizenship right. We are stating that the Expert Committee may consider that a group of twenty people should be practically made equal to one propertied man. I think this is absolutely wrong in principle. If a system of indirect election like the one suggested is practicable and good for the poorer classes of people, let us recommend a wholesale scheme of indirect election for all people.

But let us not accept the principle as we are accepting it here that the citizenship right of the poorer people is lower than that of the others. Therefore I propose that these words should be deleted " in the same constituency ". I do not mind there being two separate constituencies.

Chairman : The point is this. If you do not do this you leave these people out altogether.

Mr. Joshi : I am not against separate constituencies.

Chairman : Your view is that you ought to have adult suffrage at once, and that is recorded, but if you are not going to have adult suffrage at once, if you are only going to enfranchise up to 25 per cent. of the total population, the question is, are you going to keep the other people altogether out of it, or are you going to consider whether there is not some scheme by which those people who otherwise would be out of it could come into it.

Mr. Joshi : I am ready to have separate constituencies for them.

Chairman : Should this Commission consider both ? We are only asking it to consider it.

Rao Bahadur Dayal Seth : I propose instead of the words " in addition to " the word should be " while ", because if you have " in addition to " it would mean an increase over and above 25 per cent. of the maximum.

Sir C. Jehangir : I am going to speak on that point in a moment.

Mr. Shiva Rao : Should not it be clear that this is only during a period of transition, till we reach adult franchise ? This proposal should not be for all time.

Mr. Foot : We cannot legislate for all time.

Lord Zetland : I would point out that in another part of our report we recommend that after 10 years the Legislative Council should be in a position to alter the franchise.

Mr. Fazl-ul-Huq : So far as the Report is concerned, our assent to these proposals was subject to separate electorates being maintained. If that is made clear somewhere in the report I do not mind. It makes a difference to me. I do not want to take up the time of the Committee, as many viewpoints have been noted, and I submit that my viewpoint may be taken note of.

Mr. Joshi : We should understand how separate electorates affect this proposal.

Mr. Fazl-ul-Huq : Then I have to explain. If you broaden the franchise and bring in a large number of electors, so far as these proposals are concerned there will be greater disparity between Muhammadan and non-Muhammadan electors than there is at present. Therefore if there are no separate electorates, many of these proposals would have to be reconsidered. I submit that we give our assent to the proposals subject to the fact that we assume that separate electorates will be maintained.

Chairman : We had better put in a note of your conditional assent.

Mr. Fazl-ul-Huq : If you will do so.

Chairman : I do not know who else would like to subscribe to that note.

Mr. Zafrullah Khan : We assume that we have in this Committee nothing to do with separate electorates.

Chairman : That is right; still, if anybody desires to record a note of dissent or conditional assent I cannot prevent it. We will consider that.

Rao Bahadur Dayal Seth : I want the word " while " instead of the words " in addition to ". It should not be " in addition to ". That makes a very great difference.

Chairman : It is difficult to follow this. I understand that you want to do this on page 3, line 7 : strike out the words " in addition to ", and put in, what ?

Rao Bahadur Dayal Seth : The word " while."

Chairman : " We recommend that, while providing for this increase, the Commission should consider ", etc. That is how it would then read.

Sardar Ujjal Singh : That is quite correct, because in fixing the minimum and maximum, by having the words " in addition to " there will be an increase of about three or four per cent. to the limit already fixed.

Mr. Foot : If I understood the argument that we had in the course of the debate it was this. We had many urgent speeches on behalf of adult suffrage. That was demurred to by other members of the Committee. Then the Marquess of Zetland said that whilst that may be looked upon as the right ideal ultimately, another course could be taken that might help to achieve the same purpose without committing ourselves to adult suffrage, and he then put forward a scheme the purpose of which was as far as possible to bring all the people—all the adult population of India—into association with their Government, and he in express terms said it was put forward with a view to meeting the suggestion made by Mr. Joshi and others, which was opposed by some on the other side of the room, and if we take out the words " in addition to " and substitute the word " while ", we shall certainly take away a good deal of the preliminary argument upon which Lord Zetland based his case.

Chairman : No.

Rao Bahadur Dayal Seth : No, not as far as I remember. The Marquess of Zetland agreed ; this was to give an additional qualification, and then there is the maximum of 25 per cent.

Sir C. Jehangir : No, that is not what is here. I find here : " Sir Cowasji Jehangir, Sir P. C. Mitter, and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered." That would mean that we had no ideas of our own at all, and that we left the whole thing to the Franchise Commission to be appointed. I do not think that is quite correct, as far as I am concerned. I have very definite ideas———

Mr. Foot : On a point of order : are we discussing at present the amendment ?

Chairman : I think it would be better if you would not mind, because the note of dissent really concerns yourself, and we must put in whatever you desire to put in. You tell us what you want to put in and that goes. So far as the substance of the clause is concerned, may we dispose of this point " in addition to " first of all ? I am not sure that I follow the point which is being put. May I see that I do ? We have previously recommended that the franchise be extended at any rate up to 10 per cent., and if possible up to 25 per cent. of the total population. We recommend that in addition to those voters directly enfranchised there should be a body of voters indirectly enfranchised by this system. I take it the point of substituting the word " while " for the words " in addition to " is this, that you want to make it plain that the indirect voters are not to be included in your total of 25 per cent. Is that it ?

Rao Bahadur Dayal Seth : It is not only that. If you are going to have this provision here, it means you are going to broaden the franchise over and above 25 per cent., and your maximum of 25 per cent. does not stand. Therefore you remove that maximum of 25 per cent.

Dr. Ambedkar : That is only for those who are directly represented.

Mr. Zafrullah Khan : If the Committee that is to be set up finds that it is both practicable and desirable to go even beyond the 25 per cent. and they want to make this in addition, I do not suppose anybody will have any objection. I do not anticipate that this will operate in any shape or form.

Sardar Ujjal Singh : We do not want to fix a minimum or maximum that is not practicable or desirable. We have limited the discussion of the Franchise Committee to be set up to 25 per cent., but by putting the words " in addition to " we extend that limit to the extent of three per cent.

Sir C. Jehangir : Much more.

Sardar Ujjal Singh : It may be more, but to the extent of three or four per cent., so we are extending the limit and going beyond what we have already recommended before. If you substitute the word " while " you will be within the minimum and the maximum, but you are giving an opportunity to the Franchise Committee to explore this system also whereby all those adult people who are not enfranchised otherwise will have an opportunity of exercising it.

Sir C. Jehangir : Sir, I was just mentioning the wording of this dissent of ours. I am speaking for myself now.

There are no ideas of our own in wanting to leave everything to the Commission to be appointed. That is not quite correct. I would much rather, even at the risk of delaying the proceedings of this Committee for a few minutes—which I have no desire to do unnecessarily—recount what I have said. Sir, it quite correctly expresses my dissent in one way that I do not agree with the paragraphs———

Chairman : Are you on this amendment to insert the words " in addition to " instead of the word " while " ?

Sir C. Jehangir : No ; I thought that was finished.

Chairman : Do let us dispose of this amendment. The amendment proposed is to strike out the words " in addition to " and to put in the word " while ".

Mr. Jadhav : I oppose ; I think it should stand as it is.

Chairman : I agree ; I think it should stand as it is.

Rao Bahadur Dayal Seth : Then I have nothing more to say.

Chairman : We had better take it line by line. Will anybody interrupt if they have an amendment to propose : " We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20,"— then it is proposed to insert " or in some other suitable manner ".

Is there any objection ?

—" for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them."

" (Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan regard these proposals as only 'second best' and consider that the immediate introduction of adult suffrage is both practicable and desirable.) "

Dr. Ambedkar : I should like to say that Mr. K. T. Paul was also of the same opinion as ourselves.

Chairman : That will be noted.

Mr. Joshi : I propose that instead of the words " second best " the words " quite inadequate " should be substituted.

Chairman : That is really a matter for you gentlemen. If you prefer those words " quite inadequate " instead of the words " second best," that is a matter for you really. So it will read : " Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, Mr. Srinivasan and Mr. K. T. Paul regard these proposals as quite inadequate and consider that the immediate introduction of adult suffrage is both practicable and desirable."

Mr. Jadhav : My name also should be added to that list.

Chairman : A note will be made of that. Then it goes on : " Sir Cowasji Jehangir, Sir P. C. Mitter, and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered." Obviously that is a matter for them to say what they want.

Sir C. Jehangir · I will speak for myself. It does not quite represent my views, because the meaning of this dissent would be really that I personally have no views of my own, and was prepared to give this Commission that is to be appointed an absolutely free hand. I am not prepared to do that. I am not in agreement with the paragraphs as they have been drafted at present and now accepted by this Committee, for two reasons : firstly, I am not in favour of extending the franchise to 25 per cent. of the population direct straightaway ; secondly, the paragraph suggested at the initiative of Lord Zetland really amounts to adult franchise exercised by an indirect system. That is what it amounts to. Therefore the report if clearly understood means that at first you desire to enfranchise 25 per cent. of the population, if desirable and practicable, giving them the direct vote. In addition to that you desire that all the remaining adults, men and women, should be enfranchised, who should exercise that vote under the indirect system of election. That is what this report comes to in short.

Chairman : I think there is substance in this. This is only a matter for you ; you can put in exactly what you like. If you will tell us what you want in, we will put it in. Read out the words you want.

Sir C. Jehangir : I may be allowed to explain, because this is a most important matter. There is very strong feeling in India, and it is impossible to condense it into two or three words because—

Chairman : I must make this plain. The Committee have passed this matter ; we have passed it and we cannot go back to it. It is only a question of what you want as recording your dissent. We will put in anything you like if you will read out to us what you want. We cannot re-argue the thing.

Sir C. Jehangir : I desire to propose another scheme, which is this, and I desire to put that in my own name if it is necessary and comes to it, if nobody else is there. I desire that there should be both a direct and indirect system of election ; that for the indirect elections 25 per cent. of the population not entitled to the direct vote should be enfranchised, who should be the electors of colleges, consisting of 50 for each provincial legislature ; the electoral colleges should elect one member to the Legislature.

That means, Sir, that as to the direct elections I would not change the franchise at all and allow the remaining 50 per cent. of the Legislature to be elected as they are elected to-day under the present franchise. It comes to this, that really 25 per cent. of the population will exercise the right of voting.

Under the direct system all those enfranchised at present will get a direct vote. Of the remaining adults, men and women, 25 per cent. of the population will get the vote. By lowering the franchise greater numbers will come in. You can let 25 per cent. of the population get the vote. They should elect electoral colleges consisting of fifty for each seat in the Legislature. I desire to put that in as a suggestion from myself rather than say that I will leave the whole thing to the Franchise Committee.

Chairman : I feel very great difficulty about this. We did not have this matter raised before at the sub-Committee. We cannot have a minority report. I suggest that the best thing for you to say is that you record your dissent from these proposals and consider that the matter should be achieved, if at all, by a different plan. You could simply leave it in that way, making it plain that you do not in any way bind yourself to this. Short of a minority report I think that that is the best way in which to deal with the matter. We do not have minority reports.

Sir Cowasji Jehangir : It will have to be raised at the Plenary Sessions. I do not want to waste the time either of this Committee or of the Plenary Sessions. I thought that if I put down these seven or eight lines it would save time.

Chairman : How far would this meet you : " Sir C. Jehangir objects to any increase of the direct electorate " ?

Sir C. Jehangir : That will not represent my views. I would rather that you put down what you first said.

Chairman : " Sir C. Jehangir records his dissent from these proposals, and considers that the basis of the franchise should be broadened, if at all, by another plan."

Sir C. Jehangir : Yes ; by another system or by another plan.

Sir P. C. Mitter : I would also add that in my opinion the franchise should not be broadened unduly until at least two elections are over.

Mr. Joshi : If you put that in then we are entitled to put in what we think.

Sir P. C. Mitter : I am not putting in any scheme. I am expressing my opinion.

Chairman : If you will forgive my saying so, there has to be a certain amount of give and take with regard to this matter. We have all to help one another to make this thing go through. I should suggest, that if you recorded your agreement with Sir Cowasji Jehangir, that is what it really amounts to, because the rest are really the reasons for your disagreeing with the majority. Is it not enough to state : " I do disagree " ? You need not go on to state why, since that raises a difficulty, and there has to be a good deal of give and take.

Sir P. C. Mitter : I am not so concerned with the reason as with the conclusion. As has been pointed out the conclusion here is based on a number of reasons. I am not trying to put in a scheme. I quite appreciate that it is objectionable to put in a scheme. We are trying to build up a future electoral system. If you think that I ought not to insist upon it I will leave it to you, but I mention it, and it has been taken down. I feel very strongly upon it and it is so fundamental. I am not asking anybody to agree with me.

Chairman : You are a model member of a Committee. You do display the real principle of give and take because you leave it to me. I should suggest that the point is sufficiently met by your recording your agreement with the note of dissent of Sir Cowasji Jehangir. I am very much obliged to you.

Sir P. C. Mitter : I am satisfied as long as I have mentioned it.

Mr. Basu : Speaking from my own experience of electorates, I think that a much greater extension is likely to attain the object which Sir P. C. Mitter has in view. You want to pacify the people, and, after all, the contentment of the people is what is required of us. The only point on which I differ from the finding in this report is that I think that no maximum should be fixed. If in fixing the electorate it is found that the number in fact exceeds 25 per cent. that should go through. That is the only point upon which I differ. Let there be the minimum, but I think that there should be no maximum.

Chairman : Mr. Basu, I do not know if you will follow Sir P. C. Mitter's excellent example. You have been good enough to explain your views very cogently, and I quite follow them. I should suggest really that there is no reason why you should record a dissent at all, because, after all, you are leaving to this Commission an immediate increase up to 25 per cent. of the total electorate, plus this mukhi system for all those not enfranchised, plus the fact that in the course of ten years the Provincial Councils have complete liberty to alter the thing as they like. I should suggest that, so far as any possible maximum is concerned, you have there all that you can possibly want.

Mr. Basu : What I am afraid of is that if you mention a maximum here that may form part of the the Statute. I do not want a maximum to form part of the Statute.

Chairman : This is not a matter for the Statute, but merely for the Expert Committee.

Mr. Basu : It will ultimately have to be put into the Statute.

Chairman : These are, at the most, guide posts. They are not things like what are in the Statute. Do you think that you can accommodate us, Mr. Basu ?

Mr. Joshi : It is quite clear that Mr. Basu's name must come out from association with Sir Cowasji Jehangir.

Mr. Basu : It is not a question of name, but it is a question of faith in facts.

Chairman : I think that you had better agree with the rest of us.

Mr. Basu : I think that you had better scratch my name off. Very well, I will agree.

Chairman : "Sir Cowasji Jehangir and Sir P. C. Mitter record their dissent from these proposals, and consider, that the basis of the franchise should be broadened, if at all, by another system."

We now come to (5) "Uniformity of qualifications for the franchise."

Sardar Ujjal Singh : I suggest that the words after the words "all communities" should be deleted. I suggest that the words should be deleted : "but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable." Those words are quite inconsistent with the words expressed in the previous sentence. When the franchise qualification is lowered, automatically the proportion of the voting strength and the population strength would become the same, but if you lay down this principle in this paragraph you would have to devise some artificial means by which the communities whose voting strength was not so high would get a larger voting strength. In that case you would be introducing an invidious distinction, in particular in villages. A man belonging to a particular community in one village and paying a certain amount of revenue will not be qualified to be a voter, whereas a man belonging to another community will be a voter. That is why I say that, if the object is to have the same kind of property qualification, and the same qualifications for all communities, then the sentiments expressed in that sentence are quite inconsistent, and the words ought to be deleted.

Sir P. C. Mitter : Which is the sentence which you want deleted ?

Chairman : It is the whole of the sentence except the first two lines.

Sardar Ujjal Singh : "should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers." It would automatically come with adult suffrage.

Chairman : I think, Sardar Ujjal Singh, that we had better put your name in after the name of Sardar Sampuran Singh. You both want to record your dissent. That meets you, does it not ?

Sardar Ujjal Singh : I really want to know whether it is consistent with the previous sentence.

Chairman : The rest of us have agreed to it. I think that what we had better do is to put your name in as dissenting together with Sardar Sampuran Singh.

Sardar Ujjal Singh : As you please.

Dr. Ambedkar : We have submitted a note of dissent to this paragraph.

Chairman : Have you ? I thought that this was agreed.

Sardar Ujjal Singh : I would beg the Committee to consider what this paragraph means.

Sir C. Jehangir : It does not mean anything.

Sardar Ujjal Singh : You say that in giving adult franchise the qualifications should be the same for all communities. Having said that, you go on to say "but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers." When you say that the voting strength ought to be brought to the same level as the population, I do not know how you are going to achieve that end unless you want to make some distinction in the qualifications.

Chairman : You are dealing with a given area. We all agree that the Franchise Commission may have a different franchise qualification in one area to the franchise qualification which they have in another area.

Sardar Ujjal Singh : When it says "in any given area" it must mean a province. It does not mean a particular village or a particular district, but it means one province.

Mr. Shiva Rao : Not necessarily.

Chairman : It does not necessarily mean one province, if you will forgive my saying so. We discussed particularly the word "area," and we put in the word "area" because it did not necessarily mean a province.

Sardar Ujjal Singh : Then I beg to differ. I would like to put in the word "province." This is going too far, and it is making a distinction between one district and another, and between one village and another.

Sir R. Hamilton : As expressed here it is much wider than we wanted.

Chairman : "Province" is too narrow, and "area" is too wide.

Mr. Chintamani : I think that the word "area" is all right.

Major Stanley : This paragraph is dealing only with equality of franchise for all communities in the area. The paragraph really does cover it. Surely we do not want in an area smaller than a province to make distinctions as regards franchise between the various communities.

Sir C. Jehangir : There are at present differences.

Major Stanley : Not for various communities in one area.

Sir P. C. Mitter : Does this proposal say that there shall be differences as regards franchise for various communities ?

Chairman : No.

Sir P. C. Mitter : Therefore, unless you adopt that principle of varying the franchise for the different communities you really cannot produce equality of voting strength for the different communities.

Sir R. Hamilton : You can lower the franchise so much that you very nearly bring in that proportion.

Mr. Basu : Let us take a practical illustration and see how the difficulty is to be met. There is a certain area in which there are one hundred persons who are adults, who would be in the ordinary course entitled to vote. Sixty of them are, say, caste Hindus and forty of them belong to the backward classes. The object of the Franchise Commission should be to fix the franchise at a limit which should bring on the electoral roll a proportion of voters which would be the same as the proportion of the people in the various communities.

Sir P. C. Mitter : That would be impossible under uniform franchise, I submit.

Mr. Zafrullah Khan : I believe that the wording of the draft Report is perfectly correct from all points of view. If you have uniform qualifications within the same area for all the communities that is the principle which we have sought to lay down. As to whether it is practicable is another matter. Even supposing that the criticism is correct that if you have a uniform property qualification you will not be able to achieve that, there are various other qualifications and each of those qualifications may not operate to the same proportion with each community. For instance, in one particular area the property qualification might bring in a very large number of voters of one community ; the military qualification might bring in a very large number of voters of another community ; the literacy qualification might bring in a very large number of voters of another community. It is for the expert Franchise Commission to consider in detail what are the qualifications by combining which in a particular area they would as far as possible get approximately the same number of voters, if that is practicable, in each community.

That is one way in which it might work. In one particular area one community may have a very high property qualification, and another may have a high military qualification. I can conceive that that can happen in various parts of the Punjab. What we insist upon is that the Committee shall not say: "In this particular area in one community anybody who is serving in the army shall come in as a voter, but no other member of any community who is not a soldier." If you enable anybody to come in on any qualification everybody should be able to come in no matter which community he belongs to. The different sets of qualifications might operate differently in the various communities. I do not say that the Committee will necessarily be able to define such a bundle of qualifications that what we desire to achieve will necessarily be achieved. I do not know how far that may be practicable, but we leave the decision to them.

With regard to the second question, whether we should have in the word "area" or the word "province", in my submission the word "area" is preferable to the word "province". We have seen that the word "province" is necessarily narrow. It will be impracticable to say that in one province throughout, uniform qualifications should operate. We have seen that at present they do not. For instance, in the city of Bombay the qualification for a voter to get on to the register with regard to the rent is probably different to that in other places. We have seen that there are differences in different districts. Therefore, I do not see any kind of objection to there being differences. For instance, there are different rural qualifications in Sind and in Bombay. The apprehension seems to be that this leaves a possibility that in districts and areas similarly constituted different qualifications might be devised, but we are not leaving that to any particular interests or to any particular community. The whole question will be gone into by the expert Franchise Commission, and, unless there are very good reasons for making a difference, I am sure that they will not make a difference. For instance, it may be that in a very big town a property of very high value may carry a low rental, or property of a low value may carry a high rental, which in effect may be equal to property of a different value in smaller towns. Therefore, although the word "province" in necessarily narrow, the word "area" will not necessarily lead to different qualifications for different parts of the same province. I, therefore, submit that on both grounds the draft is correct.

Major Stanley: I cannot help feeling that there is still a certain amount of misunderstanding with regard to this paragraph. I think that the last speaker has quite overlooked the fact that this qualification refers only to communities, and that this does not at all deal with the possibility of differentiation in franchise qualification either in a province or in an area. It says only that neither in a province nor in an area should there be any difference in the qualifications of different communities. I have no practical experience, and I may be entirely wrong, but it does seem to me that theoretically there is some advantage to be gained by it. The sort of things which I had in mind were two. First of all, there does already exist in some provinces different qualifications for urban and rural voters. That is a matter which the Franchise Commission might well take into consideration, by so fixing the urban and rural franchise that they secure as far as practicable a proportional equality between the communities in the area. The other case which they might well consider is a case such as this: When they were fixing the property qualification in a rural area, for instance, they might find that a qualification of Rs.12 would produce a great disparity between communities, while the lowering of that qualification to Rs.10 might go far to dissipate that disparity. Therefore, in theory, at any rate, I do see that it is wise and practicable to allow this discretion to the Expert Committee. It will give them some chance, at any rate, of bringing about the result that we desire.

Sir C. Jehangir: While agreeing with the idea underlying the latter portion of this paragraph I cannot help seeing that it is absolutely impracticable. You are setting the Franchise Committee an impossible task. This is no new question. This has been raised before, and it has been turned down on the ground that it is not possible. It has been turned down on more than one occasion. Major Stanley was quite right in saying that it was communities that we were discussing. The educational qualifications of communities are very different, and the property qualifications of communities are very different. If they had not been different we should not have heard of separate electorates. The very reason that they are so different has given rise in the past to this demand for separate electorates. If you take any small community in any area who have a higher standard of education than the rest, any standard of education will bring on to the electoral roll larger numbers of that community in proportion to their numbers. How are you going to make a distinction unless you make a difference in that area in the educational standards. In one case you might say "a graduate", and in the other you might say "literacy". Not until then can you bring in the same numbers. The position is the same with regard to the property qualification and with regard to every other qualification. Therefore you are setting the Franchise Commission an impossible task. No scale will bring them in. Every scale which you take will have the same disparity in the percentages. In the case of the depressed classes no qualification of any kind will bring in the same proportion on to the electoral roll unless you have adult franchise. You may take it that if you enfranchised 75 per cent. of the population the depressed classes will not get anything like 75 per cent. on the electoral roll; they will get only 10 per cent. How is it possible then to bring in any franchise which would make this principle practicable? You may limit it. I quite agree with the first two lines that in any given area the franchise qualifications should be the same, but I must dissent from the latter part because it is impracticable. I cannot let a thing like this go forward as a principle enunciated by this Committee knowing that it is an impracticable proposition. I think that some of my friends have seen this. I always felt this. It will do a great deal of injustice to some communities. It will be liable to create a great deal of heartburning and a great deal of trouble, and it will do a great deal of injustice to some communities. I cannot possibly agree to the latter part of this proposition.

Sir H. Carr: Are not Sir Cowasji Jehangir's difficulties somewhat met by the fact that we are agreeing to indirect election? That will enable you to remove some of that disparity which, as is so rightly pointed out, it will be difficult for any Franchise Committee to cover. I think that if they have indirect, as well as direct, election they will not find it so difficult to bring up the voting strength of each community in proportion to its population.

Sir C. Jehangir: We are talking of each area.

Sir R. Hamilton: With regard to paragraph 5, seeing that difficulty is expressed by the Sikh community, and that other criticisms have been made by those best qualified to speak, and that the paragraph is generally condemned as being impracticable, does not the paragraph simply seek to set out an ideal that we may assume will be dominant in the minds of the Committee which is set up? Therefore, inasmuch as the paragraph is being shot at from all sides, can we not eliminate paragraph 5? It is little more than a platitude. We may assume that anything that is valuable in that paragraph, or in the direction indicated by it, will be in the minds of the expert Franchise Commission. If there is a difficulty in explaining the clause here it may be that we shall be only creating a difficulty for the expert Franchise Commission when they come to interpret its precise meaning.

Mr. Chintamani: May I presume to start with, that the word "area" is agreed upon, and that no more discussion is necessary?

Chairman : I think that, after what Major Stanley has said, there is no objection to the word " area ". The qualifications ought to be the same whether the area is a province or the whole of India. I suggest that the word " area " should remain.

Sardar Ujjal Singh : I dissent.

Chairman : You dissent from the whole paragraph ?

Sardar Ujjal Singh : Not from the whole paragraph.

Chairman : I will put down your dissent to whatever you desire.

Mr. Chintamani : Coming to the second part of the paragraph, I assume from the nature of the discussion that we are not merely considering whether the draft Report is a faithful report of the conclusion that we reached at the previous sitting, but we are reconsidering the conclusion that we reached.

Chairman : Unfortunately I cannot prevent it.

Mr. Chintamani : In the criticisms which have been directed to that paragraph, I think that one or two considerations have been overlooked by the previous speakers. In the first place, that paragraph is not a mandate to any Franchise Commission. The report does not purport to set forth anything more than a few general propositions which in the opinion of this sub-Committee are worthy of serious consideration by the Franchise Commission in framing their own conclusions. It is nothing more than that. If that is the status of this report the next question is whether the proposition embodied in this sentence is or is not on the merits a proposition which it is desirable that that Commission should consider. So far as I have heard the speeches I have heard objections based upon its alleged impracticability, but no one has said that there is something undesirable in it which would make it advisable to omit it. Sir Cowasji Jehangir has said that this suggestion was made several times before and turned down. I should like to know by whom it was turned down.

Sir C. Jehangir : I think that the Southborough Franchise Committee considered it.

Mr. Chintamani : I do not think so. I was one of the members of that Committee.

Sir C. Jehangir : The Simon Commission says something about it.

Chairman : The Simon Commission recommends it.

Mr. Chintamani : In the Government of India Despatch this recommendation has been specifically made by more than one local Government. I was the man who proposed this to the sub-Committee at the last meeting. It was not my own idea. I borrowed the idea from the recommendations of the Provincial Governments as I considered that it was a very equitable recommendation which those Governments had made. I do not wish to conceal from this Committee that the Government of India expressed the opinion that this would not be practicable, but they did not say that it was undesirable or improper. All that we are now seeking to do is to say to the Franchise Commission that we consider that this is something desirable to aim at. It will be for them, with the larger mass of facts which they will have before them, to reach a conclusion whether it is something which although desirable is also practicable or not. It is nothing more than that. For these reasons I think that it is desirable that this sentence should stand part of the report.

Chairman : I should like to point out if I may that for once only Sir Cowasji Jehangir has been guilty of a little lack of logic, because what is practicable is a wholly different thing to what is desirable. An ideal is an ideal merely because it is not immediately practicable. If it is immediately practicable it is not properly called an ideal at all. All that we say is that a certain system is an ideal system. The use of the word " ideal " in itself implies that it is not immediately practicable. I venture to think that all that it really is is a kind of useful test which the Commission obviously ought to have in their minds when they come to consider the various details. For instance, under the property qualification we are giving them a very wide latitude with regard to what " property " means. We have met Mr. Joshi's view by saying that it shall include income. In the case of the educational qualification there is a very wide latitude, and in the case of the military service qualification there is a very wide latitude. Surely the Committee, when they are considering with regard to any province " Shall we, or shall we not, recommend this property qualification, that educational qualification, or that military service qualification," ought, in considering whether they recommend that, to test it by this test : How will it bear upon the various communities ? If a particular recommendation would lead to one community getting a great advantage, then that argument in itself is something against it. There may be other more cogent arguments which, notwithstanding, make them carry it through. I do not think that anybody disputes that it is an ideal, and I do not think that anybody disputes that it is not practicable. All the same, like all ideals, it is a useful thing by which to test what we are doing. I, therefore, suggest that we leave this in, strengthening if you like our phrase by inserting the words " so far as it may be practicable ". We might put it in such a way as to show that we realise that it will be impracticable to carry out this ideal to any considerable extent, or something of that sort. I should have thought myself that the words " in so far as it may be practicable " meet the point. It is only an ideal. We hitch our wagon to a star, but we can never hope to reach the star.

Sir C. Jehangir : It will be an injustice to certain small communities, and that is a very important factor that I have in mind. I will speak perfectly frankly. If you take any small community, such as my own or the Sikhs, if this principle were practicable we would get wiped out. It is not practicable, There is a population in the city of Bombay of one million, two hundred thousand ; the population of the Parsees is forty-five thousand ; If it was applied (whether it was practicable or not) we would get nothing on the electoral roll. Therefore, the ideal really is between two major communities, Hindus and Muhammadans ; that is where the ideal comes in. If you put in the words " between the two major communities " I have no objection to it as an ideal ; an impossible ideal, but an ideal. With regard to the Sikhs even it is a very big problem indeed. I do not want to touch upon that communal problem here. That is a very important point. It is a very important problem indeed in the Punjab, and also, if I may say so, for my own community in Bombay. Because it is impracticable I am not afraid of it ; otherwise I should have spoken much more strongly. I know that it is impracticable I know that it is impossible, and I am not afraid of it, but I do want to point out that if it did become practicable it would be a great danger to a small community like my own and that of my friend Sardar Ujjal Singh. It would be a danger to small communities of that kind. It is an ideal between Hindus and Muhammadans. It is an impracticable ideal. I have no objection to your putting it in there. By all means try to get as many Muhammadans on to the electoral roll as are in proportion to their population. Any system to do that is an ideal that I am in favour of, but when it comes to a small community like my own, or Sardar Ujjal Singh's, it is a most unfair and unjust principle which cannot be justified by any argument by any other community. I am glad to say that I feel confident that no other community will try to justify such an argument that the Parsees or the Indian Christians or my friend Colonel Gidney's community should have the number on the electoral roll according to their population.

Chairman : We have to distinguish between an ideal and what is practicable. They are two wholly different concepts. Would it meet you if we said " would as nearly as possible give each community "—

Sir C. Jehangir : " Major community ".

Chairman : I was going to suggest " the larger communities ".

Sir C. Jehangir : I have no objection.

Chairman : That would meet you ?

Sir C. Jehangir : I have no objection at all.

Chairman : I do not think that Mr. Chintamani would object to that at all.

Mr. Chintamani : I doubt whether it would not be better to leave it out than to change " each community " to " major communities ".

Sir C. Jehangir : Put in " major communities ".

Rao Bahadur Pannir Selvam : What is a major community in the whole of India might be a very small community in one part of the country.

Chairman : It does not meet with approval, and therefore, I will leave it out.

Mr. Jadhav : At present the conditions are that the smaller communities have larger representation on the electoral roll, and if the franchise is altered they have a fear that the advantage they now enjoy will diminish to a certain extent, and I think the objections which are now raised are due to this fear.

Chairman : The minor communities are really protected, not so much by the number of voters as by the number of representatives they have, whether they have separate electorates or whether they have joint electorates with reservation. That is in the main their protection.

But in order to try to get a conclusion could not we say this, instead of using the words " each community "—Mr. Chintamani put it to me—" We desire that the Franchise Commission in making their proposal should bear in mind that the ideal system would as nearly as possible give the major communities a voting strength in proportion ", and so on. I think that would do.

Sir C. Jehangir : " The two major communities."

Chairman : His point is, he does not want to confine himself to the major communities, but he wants to put it in this way that he is only recommending with regard to the major communities ; the minor communities are not the subject matter of the recommendation at all. Cannot you meet him on that ?

Sir C. Jehangir : It is too dangerous. When you talk about separate electorates, we have no separate electorates and we do not want them.

Dr. Ambedkar : It means this, that in order to maintain the advantage of having a large existing electorate the suffrage should not be extended to the majority of the people. That is what it comes to, that in order that Sir Cowasji Jehangir should maintain the existing ratio of his population to the electoral strength the other people in the country should not be on the electoral strength.

Sir C. Jehangir : All I mean is that the smaller community should not be jeopardised.

Dr. Ambedkar : Your position is bound to be jeopardised in any lowering of the franchise, and if you feel that proportionately to the other voters your position goes down, then your safety lies either in trusting to the majority or in asking for separate electorates. But you cannot say: " Because we will be thrown down, we will sink, therefore other communities should not be given it." It comes to nothing else but that.

Sir C. Jehangir : I do not say that.

Chairman : I am afraid that we will have to take our conclusions. Bear in mind, if you will, that we are agreeing to adult suffrage as an ideal. We have passed that part of the report. I have suggested the words " would as nearly as possible give at least the major communities."

First of all I will put it to the Committee that the words should remain as they are " give, if possible, each community." Who is against that ?

A note will be taken that Sir Cowasji Jehangir, Colonel Gidney and Sardar Ujjal Singh dissent from the latter part.

Dr. Ambedkar : If you want to place it before the Franchise Committee we should still like to say that in our view the principle of adult suffrage should be applied to the depressed classes.

Chairman : We have got that already.

Mr. Foot : Otherwise you would put an addendum to each paragraph.

Chairman : We cannot have that every time.

Mr. Jadhav : Brahmins and non-Brahmins and different communities in Bombay, depressed classes and all should be added.

Chairman : We cannot go into that.

Now No. 6. Property Qualification. Is there any objection to No. 6 ?

No. 7. Educational Qualification. Is there any objection to No. 7 ?

Rao Bahadur Pannir Selvam : I have no objection except what has been referred to, the word " community " which you find in paragraph 5.

Chairman : We are now on paragraph 7.

Rao Bahadur Pannir Selvam : I am referring to paragraph 5. In connection with that, we must make clear what we mean by a " community ", which might cause a heated discussion in the Plenary Sessions. When I raised that question about the educational qualification, it was mainly because of the controversy which is likely to arise between the two communities, the Brahmin and the non-Brahmin communities. If we do not make it plain here, we make this an educational problem. " We are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the ideal enunciated at the end of paragraph 5 ". That ideal would apply also, if I may say so, to the sub-communities.

Mr. Foot : Could not that be met if we put a full-stop at " franchise " ?

Chairman : A stop at " franchise ". Would that meet you ?

Rao Bahadur Pannir Selvam : I object to it wholesale.

Sir Robert Hamilton : We have already got paragraph 5. Does not that cover your point ?

Rao Bahadur Pannir Selvam : In interpreting the word " community " there might be a doubt. When we say " community " we think of the Hindu as against the Muhammadan. Here the trouble would be between the Hindus themselves, the Brahmin and the non-Brahmin.

Chairman : I do not pretend to know anything about India, but I always thought that in Madras you referred to the Brahmin community and the non-Brahmin community ; they are always treated as communities.

Rao Bahadur Pannir Selvam : That controversy was very much to the front during the last reforms, but now, because the non-Brahmins have not asked for any special privileges, one is apt to treat them all as one community. I am afraid the non-Brahmins might raise an objection, and there might be a difficulty about education being accepted as a qualification.

Chairman : After all, this is not a statute ; if it was a statute your criticism would be most cogent. All we are giving is a few main principles, that the Franchise Commission may bear them in mind, and consider them. We need not particularise further I think.

Now No. 8. Military Service qualification. Is there any objection to No. 8 ?

Mr. Joshi : I dissent to 7 and 8.

Chairman : I thought we had largely met you on No. 6 by putting in this thing about wages. It was meant to meet you. Now you want to dissent to No. 7.

Mr. Joshi : The difficulty is this : by having 7, 8 and 9 we are creating a new class of voters belonging to the higher classes, with the result that to that extent the enfranchisement proposal, namely, up to 25 per cent., will be absorbed by the higher classes, and the enfranchisement will not sufficiently reach the lower classes. That is the criticism on all these three paragraphs.

Chairman : Your recommendation of adult suffrage covers the whole thing.

Mr. Joshi : Even if the franchise is not granted, a limitation of the qualification of property or income will be more suitable. That is our criticism of these paragraphs. If any limitation is to be made, we prefer a limitation by the property qualification and nothing more. I think that view should be expressed in some form.

Sir R. Hamilton : Does not your wages cover that ?

Mr. Joshi ; No, we are not content with leaving the qualification there. You take away what you give. If there is no limitation of 25 per cent. we cannot decide anything.

Chairman : We record your dissent, but I think I ought to warn you that a great many of the Committee, in order to get unanimity, assented to your proposal of including wages in No. 6, in the hope that then you would show a like conciliatory attitude and consent to the educational qualification, the military service qualification, and so on. The whole thing is subject to the ideal of adult suffrage, which we recommend, and to your note of dissent saying you think this proposal is quite inadequate.

Mr. Joshi : My criticism is not properly understood. If you make wages a qualification, we consider that that qualification will apply to everybody ; every educated man will have a vote. There will be a new class of voters, and that class will consist of students, nobody else, because every educated man will have some income, he is living on something, he is not a beggar if he is living on something ; then who is brought in by this educational test except the students ?

Mr. Foot : You may take the women who may come in under the educational qualification who may not be in receipt of income at all. A woman may go upon the register as the wife of an elector, as the widow of an elector, but you may have the unmarried woman who may not be in receipt of income and who may not therefore come under that clause and who may be able to come in under Section 7.

Mr. Joshi : I admit that the case of women is different. I agree that in the case of some females there will be no income ; therefore there is a difference to that extent. But my argument is this, that the object of enfranchisement is the transference of political power from the class which enjoys it today—

Chairman : What I shall do is to record your dissent to any educational qualification.

Sir P. C. Mitter : Then I shall object to the inclusion of wages in No. 6.

Chairman : Now you have lost what to my mind might have been of great value to you ; you are now going to get dissents with regard to wages.

Mr. Joshi : I am quite prepared to fight that question out anywhere ; if not here, outside.

Sir P. C. Mitter : I withdraw.

Chairman : You dissent to No. 7. Do you dissent to any educational qualification ?

Mr. Joshi : Nos. 7, 8 and 9.

Chairman : Your dissent will be recorded.

We have finished No. 7.

Is there any objection to No. 8 other than those mentioned ?

Now No. 9. I record Mr. Joshi's dissent, if he desires it. Do you desire it ?

Mr. Joshi : Yes.

Chairman : You have already recorded your general dissent on the principle that you are prepared for adult suffrage and nothing else. Now you want a special dissent recorded with regard to women's vote.

Mr. Joshi : My reasons are quite different. I will make clear what my reason is.

Chairman : Then I record your dissent to the proposal for enfranchising women.

Mr. Joshi : Yes.

Chairman : Then No. 10. The franchise for special constituencies. Is that agreed ? (*Agreed.*)

Then No. 11. Urban and rural enfranchisement. (*Agreed.*)

No. 12. Residential requirement. (*Agreed.*)

No. 13. The future electorate.

Dr. Ambedkar : We want to record dissent.

Mr. Jadhav : I propose that the figure " ten years " should be changed to " nine years ".

Chairman : It is proposed that " ten " should be changed to " nine ". Is there anybody else of that opinion ?

As you are all alone, Mr. Jadhav, you had better let it stand. We will record your dissent.

Now paragraph 14. Franchise for the Central or Federal Legislature. I am not sure that paragraph 14 is at all satisfactory as it stands. We never really came to a conclusion on paragraph 14, and I did the best I could. Then I discovered that I really had not got the material, and I think the true position with regard to 14 was really this, that we were all so firmly of opinion that it was idle to consider what the electorate or franchise should be unless and until we knew much more about the second Chamber that we really thought we had better say nothing about it at all. On reconsidering this thing, it seems to me we had better adhere strictly to that attitude. That preserves everybody's position, if we simply say something of this sort : " The form of the Central or Federal Legislature has not yet been decided and in these circumstances we do not find it possible to make any observations with regard to the franchise systems." Something quite simple like that. May I take it that that is the sense of the meeting ? (*Agreed.*)

We will have this Report prepared, and of course we shall report to the Plenary Meeting.

Mr. Foot : There is only one point. In view of the general objection based upon the claim for adult suffrage, need you have a note following each paragraph ? Would not there be a general note at the end embodying the objection taken by Mr. Joshi and his colleagues ?

Chairman : I think that would be better for you, I quite understand your position.

Dr. Ambedkar : I leave it to you.

Chairman : If I may say so, I think it might make you appear to be in rather a false position if, for instance, you appeared to be objecting to the women's vote.

Dr. Ambedkar : We have very good ground for doing that. We are quite prepared, in our minds, and we can meet whatever objection may be raised on that ground. We have no theoretical objection to women.

Mr. Jadhav : The maximum of 25 per cent. will be taken up by women, and then there will be no necessity of any other lowering of the franchise.

(*The proceedings then terminated.*)

Sub-Committee No. VI (Franchise).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. The terms of reference to this sub-Committee were as follows :—

"On what main principles is the Franchise to be based for men and women."

The following Delegates were selected to serve on the sub-Committee :—

Sir W. A. Jowitt (*Chairman*).
Lord Zetland.
Major Stanley.
Sir R. Hamilton.
Mr. Foot.
Dr. Ambedkar.
Mr. Basu.
Mr. Barooah.
Mr. Chintamani.
Mr. Fazl-ul-Huq.
Mr. Ghuznavi.
Lieut.-Colonel Gidney.
Sir Ghulam Hussain Hidayatullah.
Mr. Hafiz Hidayat Husain.
Mr. B. V. Jadhav.
Sir Cowasji Jehangir.
Mr. Joshi.
Dr. Narendra Nath Law.
Sir P. C. Mitter.
Mr. Pannir Selvam.
Raja of Parlakimedi.
Mr. K. T. Paul.
Mr. Ramachandra Rao.
Mr. Shiva Rao.
Sardar Sampuran Singh.
Sardar Ujjal Singh.
Sir Chimanlal Setalvad.
Kunwar Bisheshwar Dayal Seth.
Sir Phiroze Sethna.
Dr. Shafa'at Ahmad Khan.
Mr. Zafrullah Khan.
Begum Shah Nawaz.
Mrs. Subbarayan.
Mr. Srinivasan.
Mr. S. B. Tambe.
Sir Hubert Carr.

2. The sub-Committee met on the 19th, 22nd, and 30th of December, 1930, and on the 1st of January, 1931, and have authorised me to present this Report.

3. In our discussion of the franchise principles we have found that they were closely connected with questions which more properly concern the composition of the legislature, the nature of the constituencies, and the qualifications for candidates for election. These points have not been considered in the sub-Committee as they fall outside its terms of reference but we are of opinion that they should be further examined since the efficacy of any franchise system depends as much on these points as on the qualifications for the franchise.

4. *Extension of the franchise.*—While it was generally held that adult suffrage was the goal which should ultimately be attained, it was agreed that the basis of the franchise could forthwith be broadened and that a large increase was desirable.

Some difference of opinion existed as to the extent to which this was practicable in present circumstances, and it was realised that the sub-Committee had not the necessary material to determine the precise limits of the advance. The Statutory Commission suggested such an increase in the number of electors as would bring that number up to 10 per cent. of the total population. Some of our members thought that an increase to 25 per cent. of the total population was immediately practicable.

We recommend that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than 10 per cent. of the total population and indeed a larger number—but not more than 25 per cent. of the total population—if that should, on a full investigation, be found practicable and desirable.

We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20 or in some other suitable manner, for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, Mr. Srinivasan, Mr. K. T. Paul, and Mr. Jadhav regard these proposals as quite inadequate and consider that the immediate introduction of adult suffrage is both practicable and desirable.

Sir Cowasji Jehangir and Sir P. C. Mitter dissent from these proposals and consider that the basis of the franchise should be broadened, if at all, by another system.]

5. *Uniformity of qualifications for the franchise.*—We recommend that in any given area the franchise qualifications should be the same for all communities ; but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable.

[Sardar Ujjal Singh, Sardar Sampuran Singh, Sir Cowasji Jehangir, and Lieut-Colonel Gidney dissent from the latter part of this conclusion.]

6. *Property qualification.*—We consider that there should be a property qualification for the franchise, and that in this connection the word "property" should be understood in its widest sense as including not only the ownership of landed property but also the occupation of landed or house property or the receipt of income or wages whether in cash or kind.

7. *Educational qualification.*—We are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise, bearing in mind the ideal enunciated at the end of paragraph 5.

8. *Military service qualification.*—We are agreed that the existing Military Service qualification should be retained and we recommend that the Franchise Commission should consider the extension of this qualification so as to include service in the Auxiliary and Territorial Forces.

9. *Special franchise qualification for women.*—We observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory, or as likely to lead to good government where such a great disparity exists between the voting strength of the two sexes. We do not anticipate that the recommendations we have already made will reduce this disparity, nor do we think that they provide sufficiently for the enfranchisement of women. We therefore agree that special qualifications should be prescribed for women but we feel that there is not sufficient material before us to justify an attempt to formulate these special qualifications. We therefore recommend that the Franchise Commission should devote special attention to this question in the light of all the evidence available including the recommendations of the Statutory Commission and the suggestion made in this sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be lowered from 25 to 21.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan dissent from the proposals in paragraphs 7, 8, and 9.]

10. *The franchise for special constituencies.*—We are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. We are not empowered to consider the latter point nor are we in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this sub-Committee a division of opinion has shown itself as to the desirability of permitting a voter qualified in both a general and a special constituency to vote in both.

11. *Urban and rural enfranchisement.*—We are of opinion that the Franchise Commission should endeavour so to adjust the franchise qualifications as to remove in those areas where it may exist any marked disparity in the operation of the franchise qualifications in urban as compared with rural areas.

12. *The residential requirement.*—We are of opinion that the residential qualification for the vote required by the electoral rules of certain Provinces should be abolished.

13. *The future electorate.*—We consider it inadvisable to lay down any programme of automatic extensions of the franchise. We prefer that it should be left to each Provincial Legislature to extend its franchise at its discretion after the lapse of 10 years from the date of the introduction of the new Constitutions.

[Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, and Mr. Srinivasan consider that a programme of automatic extension of the franchise should be laid down.]

14. *Franchise for the Central or Federal Legislature.*—The form of the Central or Federal Legislature has not yet been decided and in these circumstances we do not find it possible to make any suggestions regarding a suitable franchise system.

[Mr. Fazl-ul-Huq and Mr. Ghuznavi desire it to be recorded that their assent to this report is contingent on the retention of separate electorates.]

(Signed) W. A. JOWITT,
Chairman.

St. James's Palace, London.
1st January, 1931.

(4349)—11

APPENDIX VII.

SUB-COMMITTEE No. VI.

(FRANCHISE.)

MEMORANDUM ON THE POLITICAL STATUS OF WOMEN UNDER A NEW INDIAN CONSTITUTION.*

BY MRS. SUBBARAYAN AND BEGUM SHAH NAWAZ.

In this Memorandum we desire to ask the Round Table Conference to give certain special consideration to the political status of women under the new Constitution.

In the first place, we consider it vital that the Conference itself should decide what women's position in the future Constitution is to be. We ask that the Conference shall bear in mind the statement in the Report of the Indian Statutory Commission that " The women's movement in India holds the key of progress, and the results it may attain are incalculably great " ; and, from this point of view, shall regard it as a national question of great importance. We have been filled with apprehension by the attitude of the Government of India to it. They have brushed aside the question of women's political status as though it were a matter of no importance, and one which could be dealt with or not by the Legislatures of the future at will. In our opinion, if this question is postponed to a future and uncertain date, after the Indian Constitution has been re-formed and the claims of others to special consideration have been weighed and settled, it will be far harder to secure for it adequate examination. We urge upon the Conference, therefore, the importance of taking this matter into consideration now, and of examining the claims of women at the same time as those of other claimants to special consideration.

There are two other points round which our anxieties chiefly centre. The question of the franchise is one. The present voting qualification, given on equal terms to men and women and based mainly on property, produces in actual practice a very great discrepancy between them in voting power, as the number of women holding property is small. We hope that this question of franchise will receive most careful consideration, and that a franchise qualification will be accepted which will give women their due weight in returning representatives to Legislative Bodies.

The other question on which we feel strongly the necessity of special consideration is that of seats for women on Legislatures. We may be asked why we require such special consideration. There has been, we believe, a theory in some quarters that women only want " a fair field and no favour " in India. Much as we believe in that ideal as an ultimate aim, we feel that in this opening of a new national life under a new Constitution, representation of women on Legislatures must to some extent and for a limited period be definitely secured. We regard the phrase " a fair field and no favour " at the present time as an illusory one ; for, even with a franchise which produced equal voting power with men, we doubt very much whether, at first set off, it would produce a real equality of opportunity in the political arena. Contemporary events show that, after women have been enfranchised, the general public has as a rule been slow to elect them in any number to public assemblies, so great is the force of convention and habit. We need quote only the experience of Canada, Australia and the Irish Free State. England itself, where women have for long taken an important part in public life, has taken twelve years to elect fifteen women to Parliament. We therefore think it unlikely that India, in the first years of her new constitution, will elect many women in open contest to her Legislatures ; though it is probable that a small number may be so returned. Yet these first years of India's new life will be of the utmost importance in shaping the whole future of the country ; and it is in our opinion vital that the voice of women on the Legislatures should be numerically sufficient to be heard. We think, therefore, that some special arrangement, allotting temporarily a small proportion of the seats on the Legislatures to women is really necessary. It should be a purely temporary measure ; and we believe that after a time, when the public is no longer startled by the conception of women in public life, and has learnt to appreciate their presence there, such provision should be no longer necessary, and women will be able really to enter the political arena on the basis of " a fair field and no favour."

In conclusion, we wish respectfully to urge that no question of franchise for any Legislature, or of seats for any Legislature, may be settled unless the views of women on the matter have been consulted. We would also wish to suggest that the principle that sex should be no disqualification for serving our country should be embodied in the Constitution.

We would add that we have intentionally touched only on the outlines of the women's question in this Memorandum. We think that it is not necessary in this statement to give a detailed examination of the methods for securing an adequate franchise, or special seats on the Legislatures, though we are prepared to put forward proposals on both these heads. The main object of this Memorandum is to urge that the question of women's political status shall receive consideration by the Conference, and to indicate a few practical questions which closely affect it.

* This Memorandum was also circulated to sub-Committee No. III (Minorities).

SUB-COMMITTEE No. VII.

(Defence).

The Sub-Committee was constituted as follows :—

Mr. J. H. Thomas (*Chairman*).
The Earl Peel.
Sir Samuel Hoare.
The Marquess of Reading.
The Marquess of Lothian.
H.H. The Maharaja of Alwar.
H.H. The Nawab of Bhopal.
H.H. The Maharaja of Bikaner.
H.H. The Maharaja of Kashmir.
H.H. The Maharaja of Patiala.
Sir Akbar Hydari.
Sir Mirza M. Ismail.
Colonel K. N. Haksar.
Mr. Srinivasa Sastri.
Sir Tej Bahadur Sapru.
Diwan Bahadur M. Ramachandra Rao.
Diwan Bahadur Ramaswami Mudaliyar.
Sir Phiroze Sethna.
Mr. M. R. Jayakar.
Dr. B. S. Moonje.
Mr. B. V. Jadhav.
Sir B. N. Mitra.
Sardar Sahib Ujjal Singh.
Lieut.-Col. H. A. J. Gidney.
Sir Hubert Carr.
Sir Muhammad Shafi.
Mr. M. A. Jinnah.
Dr. Shafa'at Ahmad Khan.
Nawab Sir Abdul Qaiyum.
Raja Sher Muhammad Khan.

with the following terms of reference :—

" On questions of political principle relating to defence, other than strictly constitutional aspects to be considered under heads 6 (Powers of the Executive) and 12 (Relations with the Crown)."

(*Note.*—The terms of reference are meant to include such questions as Indianisation, but to exclude minor administrative matters such as the number of Sikh Regiments, etc.)

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. VII. (DEFENCE) HELD ON 7TH JANUARY, 1931.

Chairman : Your Highnesses and Gentlemen. I want to relieve your anxiety right away by intimating that I do not think it will be possible for us to finish our business to-night, and therefore we want, so far as this evening's Conference is concerned, to take a general review of our terms of reference. You will gather that our terms of reference exclude the Constitutional aspect of the question in the wider sense. A few moments ago reference was made to that. The real object of this Committee's work, I am going to suggest to you not with a view of insisting that there could be no alteration, might, I consider, be classed under four heads ; first, what is broadly called the Indianisation of the Indian Army ; in short what steps (if any) and how best we can accomplish a common ideal which can be summarised in a sentence that I will use—to give a better opportunity to the Indian soldier to attain the rank and position that he desires and to which his ability entitles him. I would prefer to use that short definition of what is called the Indianisation of the Army. The second matter under that same category would be this. If it was decided, as I personally hope it will be, that more responsibility must be given, what ought to be the necessary steps to be taken to bring that about? Obviously the first question that arises under that head is : ought there to be in India the same opportunity for the training of officers that exists in this country ? In other words, whether you are to have in the future a Sandhurst, if I may use that short phrase, in India ? Both these questions, I put it to you, come under the first category which I mentioned.

Secondly, there is the question whether any separate force should be raised and maintained outside the Regular Army on the lines discussed in paragraph 211 of the Statutory Commission's Report, and to which the Government of India's Despatch also makes reference.

Now, that would naturally raise in a very concrete form the question of whether you ought to have, and whether it is necessary in connection with any defence force—Army, Navy or Air Force—what I would call for short a unified control. No one who gives two moments' consideration to the matter could assume that you could have an Army separate and with dual authority ; therefore the question naturally arises as to what I would call for short unified control.

H.H. The Maharaja of Kashmir : That is No. 4.

Chairman : That would be No. 2. I am summarising it in my own way. For the moment I will call it my No. 1 and my No. 2.

Thirdly, there would arise the question of the establishment of a military council. That, again, would be necessary in order to ensure any form of unified control, and the question would be, to whom that council should be responsible.

Then the next question, which is not the least difficult, would be the financial liability of India for the general cost of defence. That is not a new subject ; it is one that has occupied the attention of Indian politicians for a long time and various suggestions have been made with regard to it.

At all events, I put to you that those four questions cover in the main our terms of reference. There may be others, but I put them in that form because I think it will then avoid the possibility of us getting into a general discussion on a matter that has already been the subject of discussion in another Committee, the general defence of India. All that is work for the other Committees. I put it to you as a general proposition that the terms which I have already indicated cover in the widest possible sense the kind of questions that we, as a Committee, are called upon to consider. I only say that as a layman and not as a soldier, and the virtue of my position may be affected by the fact that I am not a soldier and that you may have an added advantage over me when we are talking about defence questions.

Sir M. Shafi : Which other Committee are you thinking of ?

Chairman : The Committee that has just adjourned.

Sir M. Shafi : But that Committee discusses only the constitutional aspect of defence.

Chairman : That is right.

Sir M. Shafi : That is all.

Chairman : That is what I have said ; we will not go into the constitutional aspect of defence at all.

Sir M. Shafi : May I make a suggestion ?

Chairman : Certainly.

Sir M. Shafi : I should like to suggest that the members of this Committee should be supplied with a copy of the preliminary address that you have just delivered setting out the points of our discussion so that we may have it in front of us when we are dealing with the various matters.

Chairman : Certainly, that shall be done, but I do not want that to be laid down as decision.

Sir M. Shafi : No, No.

Chairman : What I had to do was to apply myself to the problem as I saw it and give a general review of what appeared to me to be our functions ; and although we will arrange, of course, for that to be circulated it must not be taken that that lays down the laws of the Medes and Persians.

Sir M. Shafi : That is right.

Mr. Jinnah : Our terms of reference are these, to consider questions of political principle relating to defence other than the strictly constitutional aspect which is being considered by the Federal Committee. Then there is the question of relations with the Crown. When will that come up ?

Chairman : Again, I do not dogmatise, but I have thought of it, and I have come to the conclusion in my own mind that they cannot be separated. For instance, when there is talk of dominions status you must keep this in mind. There is a form of Commission that is essentially a Dominion Commission as distinct from the King's Commission. I never disguised from the Imperial Conference that I hated the separation but it is for you to say. Therefore it is involved in the question of a unified system, so that I think for all practical purposes they should be discussed together. It may be that you would make separate recommendations, and it may be that in a general discussion they may be discussed together.

Mr. Jinnah : In this Committee ?

Chairman : In this Committee.

Mr. Jinnah : Therefore except for the strictly constitutional aspect we discuss the rest ?

Chairman : Yes.

Mr. Sastri : Does this classification cover the question of the rate of Indianisation ? I am not clear.

Chairman : Obviously it does for this reason. Again, as I have said, I am not speaking as an officer, but when you talk about the rate of Indianisation that is a phrase, but in its practical application what it means is this. What could be the period where training and experience would warrant responsibility being given to a certain person ? It is not a question of saying Smith, or Brown, or Robinson is entitled to be called General, but it is that Smith, Brown and Robinson have graduated through a period of experience and of training that fits them and makes them competent to be Generals. Therefore that cannot be determined by (I put it to you as it appears to me) a resolution ; because you could declare if you like that on and after 5 years every officer should be an Indian. That would be a declaration and a resolution. It might sound popular, but if in practice when it was worked out you knew perfectly well that in five years they would not be competent to take that position, and that no Britisher would be competent to take it in five years, not because they would not be competent because they were Indians but because they would not have the necessary experience, it would be merely (to use a Canadian phrase) " humbug " to say it.

Mr. Sastri : I understood you to mean that. I was anxious to raise a different point. What I had in mind was the rate at which Indian officers would be recruited to replace the British officers now in command ? That was the rate of Indianisation that I meant.

Chairman : I see your point.

Mr. Sastri : I thought your classification would not include that.

Chairman : Let us see what the position is at the moment. A certain number of Cadets go to Sandhurst—it suits their parents to have them trained, and so on—and opportunities are provided for those Cadets ultimately to take their place in the Indian Army. That is one point. Supposing you were to decide that it would be a good thing to establish a Sandhurst in India. I could conceive of you doing that and not excluding Indian public schoolboys from ,still attending Sandhurst here if some of them so desired. I am not excluding that, but I can conceive an arrangement being worked out in that way. Therefore what you would have would be this. You would have a number of entrants into Sandhurst here who would be given their opportunity, but you would have a Sandhurst established in India and you would have the nucleus all the time to take their place in the Indian Army. Therefore, if that were the picture that I could conceive we would agree upon, I cannot conceive of you or anyone else being able to answer the question at what period, so far as years is concerned, could the whole of India be, if you like, controlling the Army ; for the simple reason, that at the present time it takes, I think, 24 years to 26 years—some of my military experts will correct me—to become even a Lieutenant-Colonel.

Mr. Sastri : 26 years.

Chairman : Very well ; that is why it is difficult for me to answer the questions specifically.

Sir B. N. Mitra : So far as the several Heads formulated by you are concerned, I do not think there will be any trouble about them. We want a real Indianisation of the Army and we want the Indianisation of the Army to go on at a very rapid pace consistent with efficiency and the necessary requirements of military training, and things of that kind.

Similarly, with regard to Sandhurst, I do not think there can be any difficulty. Everyone of us is very keen on having a well equipped Sandhurst in India which will satisfy the highest requirements of military training and education.

The real question to my mind is that : are we at this particular moment to leave the question of the Indian Army being Indianised from top to bottom absolutely in a vague condition, or can we decide upon the time within which we may expect—I am not pinning you down to a timetable, to the date and hour—the Indian Army to be Indianised in the true sense of the word ? I know that attempts were made to draw up a scheme during the time of Lord Reading when Lord Rawlinson happened to be the Commander-in-Chief. I served on some of these Committees as a Member of Lord Reading's Government, and I should like to know whether your present advisers think it will take, say, about 40 years, or 25 years, or 50 years, or 60 years for the Indian Army to be Indianised, for an indefinite time. I should like some light to be thrown on that aspect of the question, because I believe there were schemes drawn up not by politicians but by very highly placed military officers which were founded on the assumption that the Indian Army could be Indianised within a reasonable distance of time. Reading the Statutory Commission's Report—I confess I speak

with all respect to the authors of that Report—the position to my mind is in a very unsatisfactory state, because as the authors of that Report say they cannot stipulate the time, but that it may be in the near future. By the near future I do not mean a year or two. Then they think that the defence of India should always be an Imperial charge. That is a view from which I very strongly dissent. I believe you will find, if you inquire, that schemes have been prepared by the highest of military authorities which would surprise everyone, that such a thing was possible as to Indianise the Army within a reasonable distance of time. I do not see any reason why at this distance of time after 10 years we should leave that matter in the air. Personally speaking I think, with all respect to the authors of this scheme in the Report, that they did not go as far as some of the other schemes did go. I should like that question to be taken up and discussed. In other words, what I want really is that the objective should be before us that India has to achieve the status of a Dominion and any scheme of Indianisation of the Army which is drawn up must have a direct relationship to that objective. No scheme which has been drawn up yet to my mind has that objective in view. Now we are here, and we may as well be frank, working to achieve the full and complete status of a Dominion within a reasonable distance of time, and I want to know whether such a scheme could be produced by any Army expert, or whether you would give directions that such a scheme should be prepared, so as to satisfy the legitimate wishes of the people in this matter. I do not care about the practical side; that is a matter for the technical experts, but I believe attempts in that direction have been made in the past. I think they should be made more vigorously now.

Sir M. Shafi : I should like to say a few words to supplement what the last speaker has said. Both he and I were members of what was then known as the Military Requirements Committee. After the examination of a large number of witnesses, both official military experts and others, we submitted a Report.

H.H. Maharaja of Alwar : I should like to know whether we are starting on the discussion of the first subject upon the Agenda.

Chairman : For the moment I rather gather that we are having a sort of general discussion as to whether my broad headings cover our views, and then we shall come to each item later.

Sir M. Shafi : If His Highness the Maharaja had waited for a minute before he interrupted, the point of my preliminary remarks would have become clear in a very short time. The Government when Lord Rawlinson was Commander-in-Chief prepared a complete scheme of Indianisation of the Indian Army within a certain period. Probably that scheme is pigeonholed somewhere either in the India Office or in the archives of the Government of India. I understand that this question of the Indianisation of the Indian Army is one of the questions which you mentioned, Mr Chairman, when you delivered your address. I am sorry I was not here then.

Chairman : That is so.

Sir M. Shafi : In connection with that question, what we would like to know is will materials be supplied to this Committee for the purpose of expressing its own opinion as to the Indianisation of the Indian Army, and will we be allowed to submit for the consideration of the Committee our views regarding the Indianisation of the Indian Army, whether those views are based upon, perhaps, the very schemes prepared by the Government of India or whether those views are based upon our own independent examination of the whole question. Will those materials be before us or not, and will we be allowed to submit our own views with regard to a scheme of Indianisation to the Committee ?

Chairman : I think I had better answer both those questions right away.

Sir Akbar Hydari : I want to understand what is meant exactly by the Indianisation of the Indian Army. Does it mean merely the officering of the Indian portion of the Army in India by Indians and not by Europeans, or does it also mean the replacing of the European troops by Indian troops ?

Sir M. Shafi : It means the Indian Army and not the British Army in India, what is known as the British Garrison. That we have nothing to do with. There can be no Indianisation of the British Garrison: it is the Indianisation of the Indian Army.

Chairman : Yes.

Mr. Jinnah : That is exactly what I was saying in the other Committee when you came in. When you talk of the Indianisation of the Army, at the present time our Army is composed of roughly 170,000 Indians and 60,000 British troops. But I am giving very rough figures.

Chairman : I have the figures here.

Mr. Jinnah : Those entitled to the rank of officer number about 3,000 in the Indian Army proper, and the other is about the same number practically, or a little less. Now, when we talk of Indianisation it is a very vague phrase. You see there is a misunderstanding at once. One party understands merely the Indianisation of the officers of the Indian Army proper. Then what is to happen to the other part of the Army ? I should like your ruling on this, Mr. Chairman. Is the whole scheme to be discussed; first of all, the Indianisation of the Officer ranks in the Indian Army proper and the replacement of British troops, because as long as that is not done we cannot increase the Indian troops. Therefore it is part and parcel of the whole issue.

Sir Akbar Hydari : That is quite true.

Mr. Jinnah : If you like you can take then separately.

Chairman : But you must; they are two distinct questions. I understood Sir B. N. Mitra's reference to Indianisation when he raised it was the Indianisation of the Indian Army.

Sir B. N. Mitra : Exactly.

Chairman : I understood that and I applied myself to that. That obviously answers your question.

Sir Akbar Hydari : Thank you.

Chairman : Therefore, again, two points have been made; whether I as the Chairman have been supplied with some schemes in the archives of the India Office or the War Office dealing with this problem, and whether those schemes which are intended to define a date for this Indianisation are available to the Committee. That is the first question. I will answer that by saying that I have been supplied with no schemes and do not want any schemes. I do not want you to have any schemes because any schemes that were so prepared would be valueless in relation to the position in which we find ourselves to-day. Surely as commonsense men we must apply ourselves to the problem as it is and not as it may have been forecast by anyone. That is my first answer. I have no schemes; but if you want any scheme, certainly it will not be a difficult matter to get one for you. I put it to you that it is far better to face the broad common sense of the problem with a clean slate than to be fettered in any way. If you want schemes, do not worry, we will get you them.

Mr. Jinnah : I am very glad to hear that.

Chairman : That is my answer right away.

Now with regard to the second point which was raised, what have you got in your mind as to whether it is fifty years, sixty years, or twenty-five years, or any other years. My answer is that neither the Government nor myself nor anyone approaching this question has got any period in their mind, and we cannot have a period in our mind because we are

dealing with a practical proposition that cannot be determined by resolution. The facts are very simple and I repeat them, that if we here unanimously decided that what is called the Indianisation of the Army should take place five years from now, or ten years from now, or any other period that is mentioned, that declaration would be useless unless it carried with it a certainty and knowledge that that Indianisation which was dependent upon competency and experience would materialise by the experience that would be gained in that time, and that experience could not be gained unless it took the form of a process that you have to lay down. I am sure you do not misunderstand me. That is my difficulty; not because I am reluctant to say a period but because if we apply ourselves to a system that will bring that about, however we bring it about, time and circumstances will determine that by the scheme that we formulate and not by the mere declaration that we make.

Sir B. N. Mitra: My meaning was not that I expect you to declare that the whole Indian Army will be Indianised from top to bottom within a period of, say, ——— years; but assuming that we are to achieve Dominion status within a reasonable distance of time I think we must prepare ourselves for the Indianisation of the Army with that object in view. I should very much regret if the whole thing was left in a perfectly vague condition. I do not expect you could within the time at our disposal produce a scheme which would satisfy everyone, but I do certainly want some sort of direction to be given that a scheme must be prepared so that public opinion may be satisfied that there is a reasonable chance of the Indian Army being Indianised within a reasonable distance of time, and that the responsibility of self-defence being made over to the Indian Parliament at some time or other in the near future should be discussed.

Chairman: Is not that then exactly what we are to consider? But if there is any doubt let me remove it right away. So far as we are concerned, if any one has in his mind any view that we, the Government, are against in principle what is called the Indianisation of the Army let me remove that right away. We are not; but that is a phrase. Do let us apply ourselves to the practical application of the question, and that will be the work of our Committee.

Sir B. N. Mitra: I understand the point, but let me put it in another way. We are thinking of starting a Sandhurst in India.

Chairman: Yes.

Sir B. N. Mitra: On what scale we are to start this Sandhurst, what the enrolment is to be, what the amount of staff is to be, and how the various departments are to be regulated, will all depend upon our objective. How many students do we wish to train every year? That can only be determined by the time during which we wish the 6,000 odd officers to become Indians. The questions are all inter-related and we have to have some definite view. I am not sure that we can say twenty years, or twenty-five years or thirty years; but I think we must have some rough idea in our minds.

Chairman: I understand your point.

Dr. Moonje: In the first place, I think there is no organic relation between the acquisition of Dominion status and the acquisition of responsibility for the defence of India because these are quite different things. Somehow or other for reasons which we will not go into here we have not been trained to be prepared to take the responsibility of defence immediately, but that does not mean that India is not fit for the acquisition of Dominion status. The history of the British Empire will show that there are Dominions in the Empire which acquired Dominion status without being absolutely prepared to take the full responsibility of their self-defence. Their defence was guaranteed by the British Empire through its Navy. It is not the fault of the Indians that they are not in a position to take responsibility for the defence of their country. Therefore, it is the duty of the Empire to guarantee the defence of India until we in the natural course of events are in a position to take full responsibility. Therefore I think when we come to details and when practical propositions are made as regards Indianisation and the methods by which Indianisation is to be achieved that itself will decide the period when we shall be in a position to take complete responsibility for the defence of India. I therefore think when the time comes for practical details of Indianisation that in itself will settle the period when India will be in a position to defend herself.

Chairman: Might I suggest something that will save time? I do not want to hear a word about the competency, the qualification, or the desire of India to defend herself. All that may be taken for granted. I do not want to hear any discussion whatever about the advisability of defence because everyone knows perfectly well that India must be defended and that will be an obligation on the British Empire. Do let us apply ourselves to this simple proposition, a demand that better and greater facilities shall be given to Indian subjects to participate in the value, for what it is worth, of what is called the Indianisation of the Indian Army—what those facilities are to be, how they are to be brought about, what is the control, and what shall take place in the period leading to the ultimate goal. Now, is not that a fair way of summarising the matter?

Mr. Jinnah: Let us get to grips at once. I beg to differ from my friend Dr. Moonje, because that is a different point. The real point is this. The principle we are agreed—Indianisation; Indianisation as rapidly as possible if you like. Let us see what is to be done. With regard to the Indian Army proper—I am speaking from memory now and I am open to correction—we have to think of what will be the vacancies per year. That is the first thing. You cannot possibly turn out people who are already there. I do not think that is suggested by anyone.

Sir B. N. Mitra: No.

Mr. Jinnah: We have 3,000 odd officers in the Indian Army proper. Out of that I believe there are only 70 Indians who hold the King's Commission—70 or 71; I am giving round figures. The remaining number of the 3,000 are British. Out of this total number of the officer ranks every year there is a certain number of vacancies and we have to recruit for those vacancies. You cannot go beyond that.

Dr. Moonje: That is right.

Mr. Jinnah: That is your highest limit. Having got that number—again I am speaking from memory because my mind is really occupied with the other Committee and I have not got my papers with me—I believe there are vacancies for about 100 per year roughly.

Dr. Moonje: 150.

Chairman: Never mind for the moment.

Mr. Jinnah: It may be a few more or less, but I am almost certain it is 100 in the Indian Army. The whole point is this. In the Skeen Committee we were up against this very question, and the question was how many should be Indians out of the 100 every year. You know as well as I do that it was only in 1918 that for the first time an Indian was declared eligible for a King's Commission. Then the Government of India, or the British Government, decided that there should be 10 vacancies for Indians at Sandhurst per year—that is, reserved—and under the present scheme of the Skeen Committee the suggestion is that the number should be increased from time to time. We started with double the number, 20, but that leaves, again, 18 British to be recruited as against 20 Indians. The question of the acceleration of Indianisation will depend upon what you are prepared to agree should be the number of Indians.

Dr. Moonje : That is right.

Mr. Jinnah : That is the first proposition. Out of the 100, or whatever the number may be, what is the number of Indians ?

Chairman : 95 is the actual number.

Mr. Jinnah : Very well. The first question, therefore, is this, what is the number of Indians to be ? Speaking for myself, and I believe my colleagues agree with me, I think that that number should be fixed, and I want no qualification of any kind whatsoever. Put them to a thorough test. I do not wish the efficiency of the Army to be in the slightest degree impaired because we shall be putting in their hands the property and the lives of 300,000,000 odd people. Therefore I am very strong for rigorous and if, you like, strict tests of their capacity. The question really before this Committee is what is the number you are prepared to give us out of this 95 ? That is the whole issue.

Chairman : Perhaps some of Their Highnesses have a view on this, because you have to remember, and I am sure you all do, that in addition to the very pregnant question you raised which is the kernel of the whole thing, is also the question of the position of the States.

Mr. Jinnah : Yes, I am not disregarding that.

Chairman : Therefore I would like at this moment, seeing that we have had a general discussion, to have the views of one of Their Highnesses.

H. H. Maharaja of Bikaner : Our idea is that whatever future arrangements we are making will be for a Federal army, and we would like to hear first what our British Indian friends have to say, and then if we have any special observations to make we will make them.

Chairman : As long as that is understood.

Sir Akbar Hydari : The proposition is that all the British officers in the Indian Army should be replaced by Indian officers in the shortest possible time. What then according to expert opinion is the shortest possible time within which that transformation can be effected, and how is that time determined. What are the real elements ? What has to be the maximum rate of recruitment of Indian officers in place of the total number of vacancies in the Indian Regiments in the officer ranks, and what is the period that will be required when the higher ranks of the military service will be so filled with Indians that they will be able to command in the fullest sense of the term in war and in peace the Indian portion of the Army ? Upon that will depend the answer to the question : what is the time during which the Indian Army can be Indianised to that particular extent ?

Chairman : I am so glad you have put that question because it must be one that as practical people we shall apply ourselves to. This is not a question of the competency of a race or a people ; everything that I say would be equally applicable to a British soldier as it would be to an Indian soldier but the test is not whether he is an Indian or whether he is a Britisher ; the test is whether he is competent, whether he is qualified and, above all, whether he has reached that stage which, when we are dealing with discipline in the troops, he can command that support that carries his troops with him, because if that is not kept in mind the rest is valueless.

Then the second question you raise is not alone what is his relationship to India as an Indian soldier, but what is his relationship as a Dominion to the rest of the Empire as a fighting unit. Now, all those things must be considered and therefore that is why I refuse to talk about any period.

Mr. Jinnah : The period————

Chairman : Would be determined by circumstances.

Mr. Jinnah : No.

Dr. Moonje : The period will be determined when the practical suggestions are made as regards recruitment. For instance, if a proposal is made to-day that we require 95 recruits every year and we agree that out of that 95 as many as even the whole of it, if possible, had to be recruited from competent people, then it means————

Mr. Jinnah : The period is to be determined———

Dr. Moonje : Pardon me. Supposing we make a concrete proposal in this way, that 95 is the limit of the yearly recruitment for the officers of the Indian Army, and we come to an agreement that out of the 95 as many as possible who are competent are selected, then of course the period will be about 25 or 30 years. When a man has been in the Army for 25 or 30 years he will come to a position in the Army when he will be able to control a Regiment and he will be raised to the rank of Colonel or Lieutenant-Colonel in that way. Therefore the point is out of the 95 how many, if not all, can be recruited from India if the candidates can be got.

Sir M. Shafi : May I point out that it is quite true that any scheme which can be prepared for the Indianisation of the Indian Army will have to take into account the number of vacancies that occur every year, and also as to how many of the vacancies that occur are to go to Indians. When you have prepared such a scheme the scheme itself will determine the period during which the Indianisation is to take place. It is obvious, Dr. Moonje, that the scheme will do that because as vacancies occur and as they are filled up by the appointment of Indians the number of British officers will go on correspondingly diminishing.

Chairman : That is true only up to a point because what we must keep our minds on is this. Supposing there was an examination now. I will take a hypothetical case. There are about 30 of us here round this table. Suppose there was an examination in oratory everyone of us would get through.

Dr. Moonje : Yes.

Chairman : We would all get through. But supposing some other test was to be applied, God knows we might all fail, and therefore you cannot say 95 would pass because there are 95 vacancies. It is dependent upon competency ; but again I emphasise, and I think Mr. Jinnah made it quite clear—he took the view that there must be no interference with the test.

Mr. Jinnah : Of course not.

Chairman : I think you made it quite clear that there was to be no difference in the test.

Mr. Jinnah : May I point out that I have now the figure before me and I am taking it from the Report. I think we were wrong as to figures. The normal strength of the cadre of officers of the Indian Army, cavalry and infantry units, has been taken as 3,200.

It is understood that the wastage in that cadre has never been calculated, but it is assumed to be 160. That was the figure supplied to the Committee.

Dr. Moonje : My impression was that it was 150.

Chairman : I am told that what you have quoted from is an error. I do not know, of course.

Sir P. Sethna : It was the figure given to the Committee by the Government.

Chairman : I am told that that is so, but that it was wrong.

Mr. Jinnah : Sir, we have had great difficulty about this figure before. I should therefore like you to be good enough to ascertain now from the Department a definite figure for the wastage per year.

Chairman : I will certainly do so.

Mr. Jinnah : We will call it X for the moment. We will proceed on the footing of X. I think we are off the point when we talk of fixing the period. The period will automatically be fixed according to the scheme. I do not want you to get frightened about this proposal of mine ; I do hope it will not frighten anybody here, but suppose I say that from next year there shall be no British recruitment in the Indian Army proper, but that it should be only Indians who should be recruited. I venture to say that within a very short time the officer ranks of the Indian Army proper will be Indianised to the fullest extent.

Dr. Moonje : Say 30 years.

Mr. Jinnah : Therefore really it is no use saying we will do it in 25 years, 30 years or 50 years ; it depends on the basis which is laid down.

Chairman : Plus something else. There is not only the test, but I am wondering whether we have taken clearly into account the fact that the first test is not necessarily the final test. I can quite conceive of any number coming through what we may call the Indian Sandhurst at the first test, but are we to assume that over a period of ten, fifteen and twenty years the same qualifications which brought them through the first examination will necessarily get them through the examination which must be passed in order to be say, a General ? There is that factor to consider.

Mr. Jinnah : May I answer that question at once. In the ordinary course, either the man is fit to go on in the graded promotion, or else he is not fit.

Chairman : Yes.

Mr. Jinnah : Let us assume he has become a Major, and has got as far as that, and that after that he is no good and can never become a Colonel. What will you do with him ?

Chairman : I do not know anything about the Army, but I assume that if he gets far enough to be a Major he will be all right as a Colonel. I think he would be found out much earlier than that.

Mr. Jinnah : It does not matter. He will start as a Lieutenant, and he may get stuck somewhere. What will you do with him if he does ? Will you keep him ?

Dr. Moonje : If he is inefficient, chuck him out !

Mr. Jinnah : You must chuck him out, and then there will be a vacancy.

Chairman : That is why you calculate dates.

Dr. Moonje : Suppose we fix the number at *x*. The first basic point is, are we prepared to say that if we get all the competent and best qualified material in India all the vacancies will be filled by Indians ? That is the first basic point, and that will ascertain the period that will be taken for Indianisation.

Sir M. Shafi : The period will be automatic under the scheme. That is the point I was making, and you said " No "—without understanding my point you said " No."

Chairman : I have not looked at any particular schemes, I have been trying to look at the facts. I have already said " What value would any schemes be in the circumstances we are dealing with to-day, where we have a new situation ? " It must not be taken if I do this that I am giving necessarily our last word or our views at all or anything of that sort, but, with the sole object of guiding the sub-Committee, would you like me to get out a memorandum on the problem as it exists, giving you the officers, the time, the training that is necessary and so on ? It will not be given as an opinion, but as a statement of the problem with which we have to deal. If you think that will help you, I shall be delighted to do that.

H.H. The Maharaja of Bikaner : In this connection I think a point which was discussed a few minutes ago and which was raised by Mr. Jinnah, might also be dealt with in that memorandum. It is not merely a question of an officer passing Sandhurst ; he has to qualify for the different grades. Let us suppose that he is a Major, and has to pass an examination to qualify him for commanding a regiment. There must be cases where even now you pass over British officers.

Chairman : Every day.

H.H. The Maharaja of Bikaner : Perhaps we can be given figures for the percentage that do not pass, and that will help us in arriving at the figures.

Chairman : Yes, I see.

Sir M. Shafi : Any scheme of Indianisation of the Indian Army must be based on two things. First of all on the number of vacancies that occur every year, and whether all those vacancies, or a part of those vacancies, are to be filled up by the appointment of Indian officers. If a scheme has already been prepared by the military experts of Government, and has been considered more than once and sent back more than once to the Army Department for reconsideration, and has been finally sanctioned by the Government of India on those two bases, such a scheme would be very desirable material for this sub-Committee to have to assist us in arriving at a correct conclusion. It seems to me this sub-Committee ought to get hold of such a scheme if there is one, and I know there is one, and I can tell you now the period that was fixed at that time for the complete Indianisation of the Indian Army. I can tell you that from memory.

Diwan Bahadur Ramachandra Rao : This was long before self-government and Dominion status had been conceded ?

Sir M. Shafi : Yes, it has nothing to do with it, and if that scheme had been sanctioned long ago, as we had hoped it would be, the process would have begun.

Mr. Jayakar : With reference to the point that was made by Sir Muhammad Shafi, I support his suggestion, Sir, because even assuming that all the vacancies that arise during the year—namely 95, or whatever the number is—are filled by Indians, it is a mere matter of making an arithmetical calculation to see that it will be 35 years before all the vacancies will be filled by Indians. If, therefore, a scheme has been prepared in the past, when Dominion status was a very distant vista, and if that scheme lays down a period of time less than 35 years, as I suppose it does, that scheme would be a most valuable contribution and help to our discussion. I therefore support the suggestion of Sir Muhammad Shafi. If such a scheme was prepared in the past, and I understand it was, and was considered by the military authorities and by the Government of India——

Sir M. Shafi : It was prepared by the military authorities.

Mr. Jayakar : If I am not asking too much, may I know what the period of that scheme was ?

Sir M. Shafi : Twenty-eight years.

Mr. Jayakar : Then that scheme would certainly be of most material help to us, if we could peruse it.

Sir M. Shafi : It provided for one-third of the Army in the next fourteen years, the next third in seven years and the final third in another seven years. That means twenty-eight years altogether.

Sir B. N. Mitra : In the first place, I should like to know what we are doing. Are we discussing the terms of reference, or are we discussing the first item in the terms of reference ?

Sir M. Shafi : We are discussing what we should have before us.

Sir B. N. Mitra : That is a point which must be cleared up, because I have something to say about the terms of reference. Are we discussing at the present moment the terms of reference, or the first item in the terms of reference ?

Chairman : I indicated not only the terms of reference, but what I thought the terms of reference covered, and I said that if it met the convenience of the sub-Committee we could have a general discussion on that this evening. It is quite true the discussion may have ranged over rather different ground, but it is not a disadvantage to have the whole matter ventilated, because I think ultimately it will help us. If you want to raise any question on the wider aspect I should certainly like you to do so.

Sir B. N. Mitra : The first point to which I should like to refer is the point raised by Sir Akbar Hydari, which unfortunately seems to have been overlooked in the course of the general discussion, namely whether the terms of reference include this specific question of a reduction in the number of British troops in India and their replacement by Indian troops or by militia, or by something of that sort. Do the terms of reference to this sub-Committee include a consideration of the question of the reduction of the British troops in India ?

Chairman : You cannot talk of Indianisation without keeping in mind that it presupposes a reduction in British troops. That is obviously a part of it.

Mr. Jinnah : I understood you to say that.

Sir B. N. Mitra : But so far I think it is admitted that Indianisation means the Indianisation of the officer ranks.

Mr. Jayakar : It means both questions, but they must be kept distinct from each other. That is all.

Sir B. N. Mitra : I do not think it is clear if you read the heads of discussion.

Sir M. Shafi : It is item No. 1 in the scheme of Indianisation.

Chairman : I do not think there can be any doubt about it ; everyone knows what Indianisation means.

Sir B. N. Mitra : Indianisation includes both these matters—the Indianisation of the officers in the Indian Army and secondly the reduction of the British troops in India.

Mr. Jinnah : I think the Chairman said—am I right, Mr. Chairman—that we should take this question separately first, and then deal with the other. That is what I understood.

Chairman : That is it ; I said so.

Sir B. N. Mitra : That clears up my point, for therefore that will be one of the items.

Chairman : I should like to suggest this. We could go on in a general discussion until your time arrived to leave, and yet get nowhere. It is generally agreed that our terms of reference are limited in the sense that the broad question of the defence of India is not involved in our discussion ; we have to deal with the Indianisation of the Army, how it is to be brought about, training and so on. Now, it has been intimated that there are in existence somewhere —whether it be in the India Office or in the War Office does not matter—certain definite schemes that apply to the problem that we are discussing. It is also possible to supply to you other material for a proper consideration of the question. If it will help you, I am prepared to arrange for a little memorandum to be produced that will give you any schemes that will bear upon this matter, and the facts of the situation, and what it is we are trying to accomplish, and the broad outline of the scheme to that end. It is not because this will represent the views of the British Government, but because this material may be of assistance to you in forming a decision. Would you like me to do that ? (Cries of " Yes.") Then I will undertake to do it.

Sir P. Sethna : It will help us greatly if we can get the scheme referred to by Sir Muhammad Shafi, because the Skeen Committee was appointed in 1926, and according to the recommendations of that Committee, which are to be found in one of the schedules, half the strength, namely 1,600 officers, would be Indians at the end of 25 years, whereas according to Sir Tej Bahadur Sapru and Sir Muhammad Shafi, a scheme which was prepared under the advice of the military experts five years previously Indianised the whole Army of 3,200 officers within 28 years. I think, therefore, that if that scheme were placed before us, it would help us greatly in arriving at a decision.

Chairman : The object is not necessarily to see something that favours our views, but to have the facts and material which will enable us to arrive at a right conclusion.

Sir P. Sethna : The facts are there, according to these speakers.

Chairman : I do not know anything about it, but whatever the facts are I will get them for you. We want them as material for our guidance. If we can get that out in time I will try and let you have that sometime to-morrow. Would that enable you to meet on Friday ? (Cries of " Yes.") There would be no point in meeting to-morrow if you do not get the material till then.

Sir M. Shafi : For Mr. Wedgwood Benn's information, so that he can get that scheme at once, may I mention the fact that the orders issued with regard to the Indianisation first of four units, and ultimately of eight, were orders issued on that scheme. I think that gives him a clear indication of what scheme I mean.

Lieut.-Colonel Gidney : Mr. Chairman, I just wanted to ask you, in preparing that memorandum would you give us facts of this nature : say we accepted 50 years as a limit, for every 5 years what would be the proportion of British and Indian officers, say at 10, 15 or 20 per cent. recruitment, so that we would know exactly every five years how many Indians and how many British would be in the officer rank.

Chairman : That will be a mathematical calculation.

(The sub-Committee adjourned at 6.43 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB- COMMITTEE NO. VII (DEFENCE) HELD ON 9TH JANUARY, 1931.

Chairman : In accordance with my promise, I have had circulated to you the papers which give you the various details asked for about rates of wastage and the various schemes with proposals for rates of Indianisation to which reference has been made.

As I pointed out, it is easy to show a mere mathematical rate of complete Indianisation on paper, but as practical men it is a workable scheme that we desire, and not a mere declaration. It may therefore briefly be stated that if all recruitment for British officers is stopped the day that the output from an Indian Sandhurst starts, and if the output from that Sandhurst is calculated to meet the normal wastage, it will then be roughly 35 years before the last British officer is eliminated from the Indian Army ; and if, in accordance with the view which some have expressed, it is not desired immediately to stop entire British officer recruitment, then the period will be 35 years after the last British officer has been recruited.

This is based upon a purely mathematical calculation; but, as was said by several speakers on Wednesday, the complete elimination of the British officer—or, if you prefer to put it so, the complete Indianisation of the Indian Army—is not a preliminary necessary in the nature of things to the full attainment of responsible government. As was so well stated by several delegates on Wednesday all the Dominions are at present still dependent on the British Navy to protect them.

The above statement is a mathematical answer to the question you asked. Those of you who are soldiers and who have had experience of war will realise that the entire new creation of an officer class is not merely a mathematical calculation alone. The question of your defence is too vital a one to take chances with, and I feel sure that the more responsible you are for your own government, the more must this aspect of the Army weigh with you. The question to be worked out, therefore, is what is a safe and a wise rate of progress in substituting the Indian officer for the British officer in the Indian Army, and whether it is necessary to eliminate the British officer completely at the earliest period, always assuming that there is a common object in view, namely the protection and defence of India. So far as I am aware, this claim has not been made in the Services sub-Committee, and I should imagine that if the retention of a British element is necessary in civil occupations, it is far more so in the sphere of defence.

It will be remembered that the Skeen Committee recommended that the original proposals made in your Legislative Assembly, namely that the majority of Commissions should be given to the martial classes in the proportion in which those races provided recruits for the Army, should be dropped, and that recruitment for officers should be spread on a broader basis. That, shortly, was the recommendation of the Skeen Committee. Recruitment for the Army will presumably still continue to be made from those classes which have been found to provide the best soldiers, if we are to make sure that the defence is adequate.

It is therefore not difficult to realise that no mere mathematical calculation can establish that the future officers of your own, selected as recommended by the Skeen Committee, will be efficient leaders of their men. I repeat that it is not merely a question of that kind; it is a practical question which can be answered only in process of time and by the association both in peace and war; and it will be obvious that while this process is going on your defence must not be jeopardised by making an experiment on too large a scale.

If, therefore, this Conference considers that a training college should be established in India at an early date, the British Government at least see no objection. I would urge that it should start on a sound foundation so that it can be developed in the light of time and experience. Therefore, whilst we would all agree that the Indianisation of the Army is a desirable end and something to work for, it is not one which need necessarily precede fully responsible government.

I make that statement because it summarises the general discussion of two days ago. Attention was drawn to the fact that from time to time there have been recommendations on this question. I have already circulated to you the various recommendations made, but there are two things I desire to emphasise this morning. The first is that when you are dealing with the question of the defence of a country it is an entirely different proposition and must be considered in an entirely different light, from what is usually called merely Law and Order. In the second place, whilst it may be possible—and I see no objections or difficulties—for a declaration to be made on the principle of what is called Indianisation, carrying with it a definite recommendation for the establishment of a Sandhurst in India, in saying this I would also draw attention to the fact that that in itself—the establishment of a Sandhurst in India—need not prevent the existing scheme from continuing, whereby a number of students attend Sandhurst in this country. On the contrary, I see advantages in that continuing.

Lord Reading: Yes.

Chairman: I do not want it to be assumed that one is necessarily a substitute for the other; on the contrary they can run concurrently, and indeed I see advantages in that. I have therefore endeavoured, in order to focus discussion, to deal with the broad principles which we are asked to consider this morning. You have the material in the form of the schemes which have been drawn up, but again I repeat that I am not sure that those schemes help us very much. They do give an emphatic indication of what is possible, but at the same time I do not think we should be too rivetted to schemes on paper; we should rather apply ourselves to the practical difficulties and practical propositions that we have got to face.

It is with those general observations that I wish to open this meeting of the sub-Committee.

Sir Tej Bahadur Sapru: I am grateful to you, Sir, for the statement which you have just made. So far as the establishment of a Sandhurst in India is concerned, the statement that you have made on behalf of the British Government, that they see no objection to it, will be received with great satisfaction. I will only add one word. I should like it to be put more positively and more emphatically; I should like it to be said that not only do the British Government see no objection to the establishment of a Sandhurst in India, but I would expect the British Government to implement that policy which has just now been declared, by very prompt action.

Chairman: Would not you like it much better to feel that you have helped the British Government to do it?

Sir Tej Bahadur Sapru: I refer to the British Government because, under the scheme which has been adumbrated by the sub-Committee over which Lord Sankey has presided, the Defence of India is a Crown subject, and therefore there will have to be co-operation undoubtedly between the British Government and the contemplated Federal Government. You may take it from us that everyone of us is extremely keen on having a Sandhurst at the earliest possible opportunity, and we are prepared to find the funds for that purpose. I do not think you will have any trouble about it, so keen is the desire for a Sandhurst. As regards the keenest of Indian opinion on the question of a Sandhurst, I would make a person appeal to Lord Reading; he knows how strong the feeling is with regard to this matter in India.

But, when I talk of an Indian Sandhurst, I must be understood to mean that we want training and education for our lads in every branch of military education—artillery, engineering and so on. Not only that, but I should like Indians to receive training and definite positions in the Air Force of the country.

Chairman: I should like to assure you, so as to shorten the discussion, that when I say "Sandhurst" it is intended to include all the training that takes place in this country. I think it will save discussion if I say that.

Sir Tej Bahadur Sapru: All arms, yes. I further welcome the statement that you have made—and I believe that statement carries the assent of Lord Reading—that we should have a further avenue opened to us of sending our men to Sandhurst in England. I leave it to the military experts and the Government of India to decide what would be the number of men they would send in future to Sandhurst. These are technical questions outside my scope, and which can be settled later on.

As regards the period, you will find from the Report of which you have supplied us with copies, and which was considered by Lord Reading and by

Lord Reading's Government, that the military experts at that time were of the opinion that, without committing themselves to any mathematically precise date, the Indianisation of the Army could be effected in thirty years' time—my recollection was twenty-eight years' time. Now we realise that in a matter of defence, in a matter of that kind, we have got to be very careful. It would be impossible for anyone to fix a precise date by which the Indian Army would be Indianised from top to bottom so far as the officers are concerned; but at the same time we are very anxious that the rate of progress should be very substantial and should be rapid, consistently with the safety of the country and the efficiency of the Army.

I beg of you not to be under the impression that we want in any way or to any degree to imperil the safety of the country or to weaken the strength of the Army.

With regard to the question which has just been raised, as to whether the British element should continue or not, I wish in the first place to point out as has been said, the report of the Services sub-Committee has yet to be considered by the Conference. I beg of you not to misunderstand me when I say that I do not accept the suggestion there that the recruitment in future of the All-India Services should continue through the Secretary of State. That has nothing to do with the question of the British or Indian element. Whether the recruitment shall continue through the Secretary of State or whether it shall continue through the Governor-General, assisted by an independent Civil Service Commission or Public Services Commission, is a question on which opinions have yet to be expressed.

Lord Reading: That is not a matter for us.

Sir Tej Bahadur Sapru: That has nothing to do with Your Lordship, no.

Chairman: I had already intimated on Wednesday, Lord Reading, that that was not a subject for this Committee.

Sit Tej Bahadur Sapru: Therefore what I say is this. No analogy should be drawn from it so far as the recruitment in the Army is concerned. It is not my intention to say or suggest that the British element should be at once eliminated. It is quite obvious that under any scheme for thirty or thirty-five years the British element will be there and will be sufficiently strong there, but what I want to emphasise really is this, that we must have the objective constantly in view, and that the rate of recruitment of Indian officers in India, or of their training in Sandhurst in England, should be commensurate with the objective, so that within a reasonable distance of time we may find that the Army in India has been substantially Indianised. I am anxious about that, because that has a bearing on the further development of our constitution. Therefore, while I would not say that the British element should be excluded at once I would certainly emphasise the need for greater speed and a more rapid rate of recruitment in India from Indian material.

That is all that I would say at this stage.

Sir Phiroze Sethna: Mr. Chairman, you were good enough to tell us on Wednesday that we should, as far as possible, confine ourselves to the headings that you enumerated and of which we have received copies subsequently from the Secretariat. I will therefore endeavour to speak on two or three items on which I have to offer remarks. I would, however, like to remind the Committee that if the Simon Commission's report did not find favour in India, that was so for many reasons, but the principal one was in regard to the recommendations they made for the Indianisation of the Army. According to that report, the complete Indianisation was postponed to the Greek Kalends, and a proper paraphrase of the recommendations they made would amount to the British domination continuing for ever so long.

Now, Sir, the reason which they advanced for that recommendation was that there was not enough material in the country for the officers. That, Sir, is an incorrect assumption, incorrect for the reason that the material does exist, but it is because of the policy adopted in the country that men were not admitted for officers' rank and to-day the Indian Army is what you call a fighting Army and not a thinking Army, because the officers were drawn, up till 1918, simply from the British side. This development of having British Officers in the Army was intensified after the Mutiny, but it was distinct even before the Mutiny. This is not a statement which I make on my own but I will refer the Committee to . . . . "The founders of the native Army had conceived the idea of a force recruited from among the people of the country and commanded for the most part by men of their own race, but of higher social position—men, in a word, of the master class, accustomed to exact obedience from their inferiors. But it was the inevitable tendency of our increasing power in India to oust the native functionary from his seat, or to lift him from his saddle, that the white man might fix himself there.

"So it happened, in due course, that the native officers who had exercised real authority in their battalions, who had enjoyed opportunities of personal distinction, who had felt an honourable pride in their position, were pushed aside by an incursion of English gentlemen, who took all substantive power into their hands, and left scarcely more than the shadow of rank to the men who they had supplanted. An English subaltern was appointed to every company, and the native officer then began to collapse into something little better than name.

"As the degradation of the native officer was thus accomplished, the whole character of the sepoy army was changed. It ceased to be a profession in which men of high position, accustomed to command, might satisfy the aspirations and expand the energies of their lives. Thenceforth, therefore, we dug out the materials of our army from the lower strata of society and the gentry of the land, seeking military service, carried their ambitions beyond the red line of the British Frontier and offered their swords to the Princes of the Native States." That is what an eminent English historian himself says. After the Mutiny, the Peel Commission was set up and made recommendations which formed the basis of reorganisation of the composition of the Indian Army. The recommendations were inspired throughout by a fear of another Mutiny. According to the Peel Commission, the Indian section of the Army should be composed of different nationalities and castes which should, as a general rule, be mixed promiscuously in each regiment; and Europeans alone should as far as possible, be employed in the scientific branch of the Services.

This was continued up till 1918. In 1918 a difference was made—that is to say, some Commissions were thrown open to Indians; but whilst Indians were excluded from the commissioned ranks there has also been the exclusion of Indians from the scientific branches of the Army, particularly, for example, the artillery. In regard to this, I may be permitted to quote from the evidence given before the Peel Commission by the same authority. Lord Elphinstone, Governor of Bombay, said:

> "I agree with those who think that it is not judicious to train any natives of India to the use of guns. They make excellent artillerymen, and they attach great value and importance to guns, but these very circumstances make it dangerous to place them in their hands." (Peel Report-Papers, page 45.)

In this opinion Lord Ellenborough concurred. He said:

> "It appears to be the concurrent opinion of all men that we should keep the artillery wholly in our hands.

> "The natives have a genius for casting and working guns, and we should not afford them means of enjoying it. . . . The natives die at their guns. Their practice in this war"—namely the Mutiny—"is allowed to have been at least as good as our own."

I have quoted these things in order to shew that if the Indians have failed to prove that they make good officers it is because the Indians have not been given a chance to work as officers, and that Indians have also been excluded from the scientific branches of the Army.

Now, Sir, that Indians have proved good officers is witnessed by the fact that the commissioned ranks have been opened to a small extent to them; but even before then, during the War, when there was a dearth of officers, Indians were made officers, trained not at Sandhurst or Woolwich, but at Indore and Wellington in India; and according to a memorandum received from you this morning, 39 of such officers trained at Indore and Wellington are already in the Army. These men distinguished themselves during the War, and they are also rendering very good services as officers to-day, and that without any education at Sandhurst, which goes to prove that with proper training Indians can make as good officers as the British.

Again, Sir, it has been said at another stage of the (Simon Commission) Report that whereas the most virile of the so-called races provide fine fighting material, other communities and areas in India do not furnish a single man for the regular Army. This is a very sweeping statement to make. Evidently the authors of the Simon Commission Report have forgotten that before the Mutiny the Indian Armies consisted not only of the Punjabis and Sikhs, whose numbers before the Mutiny were limited as compared with what they are to-day, but before the Mutiny the Army was drawn from all classes of people. In this connection I should like to quote what a former Commander-in-Chief of the Bombay Army had said in regard to the Mahrattas. This was General Warre. He observed, 25 years after the Mutiny, as follows:

> "History has proved that the whole of the western coast is a military country producing a war-like population. The southern Mahrattas have proved themselves in former days and are still equal to any other race in India as a fighting people. Their power has been broken and their military ardour quenched by almost total disarmament, but they are still a hardy people, in a mountainous district, inured to toil, and especially good in tracing their steps over the rough and impracticable ghats. What more can you require to make soldiers?"

I turn to the Madras soldiers. Another Commander-in-Chief, Sir Frederick Haines, has said: "I cannot admit for one moment that anything has occurred to disclose the fact that the Madras sepoy is inferior as a fighting man. The facts of history warrant us in assuming the contrary. In drill, training and discipline the Madras sepoy is inferior to none, while in point of health, as exhibited by returns, he compares favourably with his neighbours."

We have heard it argued sometimes that people coming from the north are more martial and more war-like. May I ask whether for a moment the English would admit that because the Scots come from a more northern climate than the English therefore they are better fighting men than the English?

Sir Phiroze Sethna: What I wanted to point out was that it is wrong to assume that people from other parts of India cannot make good soldiers. I have not the names of the military officers who have said that during the last Great War the Mahrattas proved as good as and better than any other Indian soldiers.

Now, the demand from the Indians for higher ranks has been persistent, and because of that demand, and also because of what success the Indian soldiers and officers achieved during the War, commissioned ranks were opened to the extent of five every six months, by admitting that number to Sandhurst. Thereafter there was framed what is known as the eight unit system. That scheme was nothing more than a mere sop thrown out to the Indians. Those who were able to foresee did predict that the Indian system was not at all satisfactory, and that it was purely racial. Of course, the then Commander-in-Chief, Lord Rawlinson, announced it with a flourish of trumpets, but it was not then known what his own ideas were on the subject, and those were brought to light by his biographer.

Col. Haksar: Sir Frederick Maurice.

Sir Phiroze Sethna: Yes, Sir Frederick Maurice, who quotes Lord Rawlinson's words as follows: "People here are frightened of this talk of Indianisation of all officers so that they won't send their sons out to serve under natives. I agree to the new system being allowed to take its course, but it will want very careful watching and cannot be hurried. The only way to begin is to have certain regiments with Indian officers only."

Chairman: I am sorry to intervene, but might I ask, does this kind of thing help us after my declaration. I just want to point out this, so to speak, for discussion. That kind of historical discussion cuts no ice. I wrote a book called "Labour Rules," but it is no good my looking there to find the answer to the problem of unemployment, because it is not there; and you have had my statement of the general attitude of the Government, and if we apply ourselves to that principle I think we shall do well.

Sir Phiroze Sethna: Very well, Sir, I will make no more references than those I have already quoted.

Now I return to the Skeen Committee. The Skeen Committee was appointed in 1925, but, as was brought to light on Wednesday last, it appears that the Government of India of their own accord had appointed a Committee of Military Experts in 1922 to enquire within what period the officer ranks of the Indian Army could be completely Indianised. You have sent us a memorandum of that scheme, Sir, according to which in 30 years all the officers may be Indians. That scheme, I am sorry to say, was never laid before the Indian Skeen Committee, nor was any reference made to it either before the Skeen Committee or in the Central Legislature by any officer of Government. It would appear from what has been brought to light that the Government of India were in favour of such a scheme, but it was perhaps Whitehall that turned it down and substituted the eight unit scheme. The Skeen Committee has condemned the eight unit scheme altogether, and that because of the evidence before it not only by every Indian Officer but also by the Commanding Officers of the regiments which belonged to these eight Indian units. It was condemned wholesale, and yet it is not only supported by the Simon Commission's Report but it is further supported by the Government of India Despatch, who say that if necessary the number of these units might by degrees be increased to 25. The Skeen Committee's Report was issued in March 1926. The Government of India did not carry out all the recommendations, but in 1928 they did meet us to some little extent. The most important recommendation was, of course, the establishment of an Indian Sandhurst. That was entirely turned down, at any rate for the time being, and that is the question which we are most anxious to revive, and we are glad to hear from you that the Government are quite prepared, not only to open an Indian Sandhurst but also an Indian Woolwich and an Indian Cranwell if necessary.

I now come to the question of the strength of the British and Indian Armies. At the present moment there are 56,327 British troops, 131,190 Indian troops, and about 34,000 reservists. Sir, the purposes of the Army in India were stated by the Eaton Commission appointed in 1879 to be: "To prevent and repel foreign aggression; to prevent army

rebellion within British India and to watch and overawe the armies of the feudatory native States." Those are the words of the Commission's Report.

Of course now there will be no question of overawing the Armies of the Feudatory States.

H.H. Maharaja of Bikaner : Not the Feudatory States, the Indian States.

Sir P. Sethna : I am sorry. According to the military estimates of 1928/1929, the ratio of British to Indian troops is 1 to 2·26, but in the covering forces—

Chairman : Stop; I can now see where you are going out of order. I want to keep it quite clear that the general defence of India is not a subject for this Committee. As you know quite well, that is a matter for the other Committee, and therefore no purpose would be served by discussing it here.

Sir P. Sethna : Very well; but I think in answer to Sir Akbar Hydari as to whether Indianisation also meant the replacement of British troops by Indians you said that question would come within our province. Am I right in assuming that ?

Lord Reading : Surely that would not be a question for this Committee, would it ? The Indianisation which we are talking of is Indianisation by means of Indian officers being substituted for British. That is what we have always understood. You are not speaking of substituting Indian Regiments for British Regiments, are you ?

Sir P. Sethna : I do not think Lord Reading was present when this point was taken up. I think I raised it.

Chairman : You raised it, but I did not interpret it in that way.

Lord Reading : I was not present at the last part of the previous meeting.

Sir P. Sethna : I understood you, Mr. Chairman, to say that it embraced that point also, namely, that Indianisation meant both introducing Indian officers in place of British officers and also replacing British troops by Indian troops. I will take your ruling.

Mr. Jinnah : I should like to take your ruling, Mr. Chairman. I have not a copy of your ruling. I do not know why the full proceedings have not been sent to us, but I expressly stated that the question of the reduction of British troops would have to be considered.

Chairman : That is so.

Mr. Jinnah : And you said " Yes, but we will discuss that separately from the question of Indianisation." I think, if I may refer to the record, that that was your express ruling.

Lord Reading : I was not present then.

I should like to raise this point with regard to what I understood Mr. Jinnah to say just now. I understand a question was raised towards the end of the last day's proceedings and that it was decided that, although this question of substituting Indian Regiments for British Regiments did not arise on this first question of Indianisation which you, Sir, had put to us, that it would arise, nevertheless, within the purview of this Committee.

Lord Peel : What I wish to say arises out of what Mr. Jinnah said. I thought what he said was susceptible of two meanings. Mr. Jinnah talked about the reduction of British troops, and I do not know whether he wishes to raise this question, which is quite a different one, with which we are so familiar, the case, or the charge if you like, that the Army is too large in India. I thought what he meant to say was that he wanted to raise and discuss the question of whether there should be reductions in the Army, irrespective at the moment of whether it is Indian or British, on the question of Imperial troops, and so on, being kept in India. I thought he meant to raise that matter, but I may be wrong.

Mr. Jinnah : Let me make it quite clear to this Committee what I do mean. When you are talking of Indianisation it is not merely a question of Indianising the officer ranks. That is one part of it.

Lord Peel : Yes.

Mr. Jinnah : When you talk of the Indian Army the entire Army is the Indian Army strictly speaking, namely, the British troops and Indian troops. They are the British Army, strictly speaking. They are British troops; they are His Majesty's Forces. They are not really the Indian Army in the sense that one would understand it if it was under the Indian Government. They are His Majesty's Forces stationed in India composed of British and Indian troops, but for certain purposes they are kept separate. When you talk of the Indian Army there is no such thing as the Indian Army strictly speaking or constitutionally speaking. Then for the purpose of convenience we have been using the term " Indian Army proper," and that is always understood to mean that it is composed of Indian sepoys and the officer ranks which command that portion of the Army. When we have been talking of Indianisation it does not mean merely that we Indianise the officer ranks in that section of the Army. If you are going to Indianise the Army, supposing we go on Indianising the officer ranks ——

Chairman : Might I say that the important point is the answer to Lord Reading's question. The whole thing turns on what I said on this question, and I think we had better have that settled first, Lord Reading, because it is far more important if you do not mind. I am quoting from the shorthand note of the previous meeting. Mr. Jinnah said, " Those entitled to the rank of officer number about 3,000 in the Indian Army proper, and the other is about the same number practically, or a little less. Now, when we talk of Indianisation it is a very vague phrase. You see there is a misunderstanding at once. One party understands merely the Indianisation of the officers of the Indian Army proper. Then what is to happen to the other part of the Army ? I should like your ruling on this, Mr. Chairman. Is the whole scheme to be discussed; first of all, the Indianisation of the officer ranks in the Indian Army proper and the replacement of British troops, because as long as that is done we cannot increase the Indian troops. Therefore it is part and parcel of the whole issue."

Then there was an intervention, and then Mr. Jinnah said, " If you like you can take them separately." Then I said, " But you must; they are two distinct questions. I understood Sir B. N. Mitra's reference to Indianisation when he raised it was the Indianisation of the Indian Army." Then Sir B. N. Mitra said, " Exactly." Then I said, " I understood that and I applied myself to that. That obviously answers your question."

But you will remember that I read out the terms of reference which were very clear and distinct, to consider questions of political principle relating to defence other than strictly constitutional aspects to be considered under headings so and so.

Mr. Jinnah : Yes, but you will remember that I asked you, Mr. Chairman, with regard to the question as to the relations with the Crown. I asked whether that was to be discussed.

Sir B. N. Mitra : Might I draw your attention to exactly what was said. I said : " The first point to which I should like to refer is the point raised by Sir Akbar Hydari, which unfortunately seems to have been overlooked in the course of the general discussion, namely, as to whether the terms of reference include this specific question of a reduction in the number of British troops in India and their replacement by Indian troops or by militia, or by something of that

sort. Do the terms of reference to this sub-Committee include a consideration of the question of the reduction of the British troops in India."

Chairman : That is so.

Mr. Jinnah : And, further, if you look at the Minutes ———

Chairman : That is quite clear.

Mr. Jinnah : Yes, but I want your ruling further. Unfortunately these Minutes have not been sent to us and therefore I cannot put my finger on it at once, but I am absolutely certain that you did give that ruling, and that was with regard to the relationship with the Crown which it was said would be discussed somewhere. I asked you by which Committee it would be discussed, and you said that that matter would also be discussed here. Therefore the only question which is precluded from the function of this Committee is the constitutional aspect of defence.

Chairman : Then that statement was followed by Sir B. N. Mitra, who said : " But so far I think it is admitted that Indianisation means the Indianisation of the officers' ranks.

Lord Reading : Yes.

Chairman : Then Mr. Jayakar said : " It means both questions, but they must be kept distinct from each other. That is all."

Lord Reading : That is right.

Chairman : So that that is quite clear ; they must be kept distinct.

Dr. Moonje : Both must be considered here.

Lord Reading : I am asking for information in order that we may see where we are, and in order to get some notion of the duration of the proceedings because if we are to go into the other question of the reduction of British troops in the way in which it was put by Lord Peel, and in the way I suggested, by the substitution of Indian troops for British troops, surely we cannot decide that. I should have thought that was a matter which had to be discussed by the Military Committee.

Chairman : I have already intimated—you were present, Lord Reading, but Lord Peel was not—that in my opening speech, and I drew attention to the fact with that specific object this morning, that it would be impossible for that to be done by this Committee with the best will in the world. It is not competent, first, to determine a technical question of that kind ; but I did say that the maximum which I thought could be done by this Committee would be to express its views on the general principle, the principle being, first, as I said, the Indianisation of the Army in India ; and, secondly, the logical conclusion that that would carry with it ; and I expressed on behalf of the Government concurrence in the establishment of a Sandhurst in India, and beyond that that training should continue in the Sandhurst here. Do let us be practical. If you wish to go outside that, of what value would any recommendation be, because you are dealing, as I said earlier on, with the defence of India, and the defence of India must be a matter to be carefully considered by experts so that a proper scheme can be worked out. I understand that forty copies of my opening statement will be circulated. In order to save time those copies will be distributed but we need not interrupt the discussion.

Mr. Jayakar : I take it your ruling stands, Mr. Chairman, that the question of the replacement of British troops by Indian troops is within the purview of this Committee ; but as practical men we all realise that the final details cannot be discussed and finally settled by this Committee. That is a matter of practical expediency to which we are all alive. I take it that your ruling stands that even that question is within the competence of this Committee. That is the position.

Chairman : Obviously a Chairman of a Committee of this kind dealing with a technical matter like defence has to take the advice of experts who are mainly responsible, and if in discussing the whole matter in detail we come to the conclusion that both the subjects mentioned by you were by the very nature of things interwoven, that they were bound to be interwoven, but that it was not a matter for this Committee to go into detail ———

Dr. Moonje : Quite right.

Sir P. Sethna : No. Now that you have ruled I need not go into details, but I am sure that every Indian present would prefer that in process of time the British Army might be substituted by Indian troops. The British Army is maintained for different purposes. One principle purpose is for internal security and for doing police work, as it were. The percentage of the covering force and the field force of Indian troops as compared with British is larger. So far as internal security is concerned for every single soldier there are 1·24 British soldiers. I wanted to bring out this point in order to show that it is quite possible to reduce the number of British troops, because although India has a population of 320,000,000, and although we have communal and other riots, the casualties in a year in that country are far less than the number of casualties in Great Britain, which has a population of one-seventh of that of India, from motor car accidents. Therefore I say the British Army can be reduced. My point is that it might be reduced to begin with even by 10,000 men. The cost of an English soldier is four times that of an Indian soldier, and that difference in cost will amply cover the cost of an Indian Sandhurst. That is the reason why I wanted to bring out this point.

So far as the question of finance is concerned, India must certainly bear the cost of its Army. It is, of course, true that the cost of the Army has risen very considerably. In 1910–11 it was only 29 crores, but it jumped to a maximum of 81¾ crores in 1920–21, and after the recommendations of the Inchcape Committee it came down to 55 crores, and it is about 52 crores at the present time.

Lord Reading : I think the 81 crores included the Afghan War, did not it, and the expeditions into Waziristan ?

Sir P. Sethna : If we deduct the cost of the Afghan War the result would be more than 55 crores.

Lord Reading : Yes.

Sir P. Sethna : What I want to point out is that in this Army expenditure is one item of £2 millions paid for capitation charges. India is paying that because statutorily its revenues to-day are under the Secretary of State for India, and the Government of India have little say in the matter. If the Government of India had self-government, surely they would dispute the payment of this. They have in fact been disputing it for more than twenty years, and no machinery has been found so far to decide whether that charge is correctly levied or otherwise. If we had control of our finances we should certainly dispute the payment of this capitation charge.

Lord Reading : Sir Phiroze, will you tell me this for information, because I do not know. I thought I heard it stated yesterday—I think it was by Sir B. N. Mitra—that a Committee had been appointed to determine this very old and vexed question about the capitation grant.

Sir Tej Bahadur Sapru : That was stated in the sub-Committee over which Lord Sankey presided about a week ago, but when I was speaking Sir Bhupendra Nath intervened and said that as a matter of fact that question was under consideration.

Lord Reading : I thought it had been settled.

Sir Tej Bahadur Sapru : No, it was under consideration.

Chairman : I think I can go beyond that, because in looking up the details for this sub-Committee when I came to this very question I found that a Committee was appointed for that purpose.

Lord Reading : That is what I thought.

Lord Peel : I hope, Mr. Chairman, we are not going into this question of the capitation grant. It is one of the most complicated, difficult and intricate questions with which I have ever had to deal.

Mr. Jayakar : It is a question of finance which is not the concern of this sub-Committee at all.

Lord Peel : If we are going to go into that I shall require to look up the details. It is a very complicated question and would take a long time to discuss.

Sir Tej Bahadur Sapru : It will be for the Government of India of the future, as of the present, to discuss.

Chairman : I do not know what purpose is served by discussing this now, because this sub-Committee clearly could not deal with it; it comes into the wider and bigger question entirely, and instead of the discussion on it being of help to us I think it may do harm.

Sir P. Sethna : I want to point out that it is the Secretary of State who decides this point at present; although the matter may be referred to a Committee, payment is made, which would not be done, if India had Dominion Status. That is all I want to point out.

Now, Sir, the Skeen Committee made out that in the course of 25 years by its recommendations half the number of officers of the Indian Army would be Indians, but the report of the Skeen Committee is now out of date; with the present ideas is India, we cannot accept that. We would sooner accept the report which has been brought to light by Sir Tej Bahadur Sapru and Sir Muhammad Shafi, and which they referred to last Wednesday, according to which all the officers in 30 years time would be Indians. That certainly would find favour with Indian opinion.

Now, Sir, you have enquired from the Chair whether we would like recruiting for the officer ranks to be purely Indian in future, or whether some proportion of British officers should still be recruited.

Chairman : Let me correct you there. I did not enquire whether you wanted that; I gave you a broad statement of what Indianisation would mean in a period of time in the first place if all recruitment was Indian and in the second place if a proportion of it was British; but I made no such enquiry as that to which you refer.

Sir P. Sethna : If Britishers are also recruited, it will not be possible to have all the officers Indians within 30 years, but there will not be any necessity for recruiting British officers, because the subalterns who are today taken into the Army will take 26 years to become Colonels, so that even if there is no British recruitment from now onwards we shall have British officers in the Indian Army for at least another 26 years.

With regard to obtaining sufficient men, if the recommendations of the Skeen Committee are carried out as to the means to be employed for getting proper material, then I am sure the men will be forthcoming. As the Despatch of the Government of India points out, in 1929, there were more candidates than were required and in 1930 the number was just equal. If proper facilities are given the men will certainly be forthcoming, and therefore I trust that the Government will take steps whereby the ranks of commissioned officers will be filled by Indians as soon as possible.

Dr. Moonje : Having heard all these arguments, I think the practical course would be to take into consideration the scheme information about which was given to us by Sir Muhammad Shafi and Sir Tej Bahadur Sapru on Wednesday, and to put it into practice. I therefore suggest the following formula for adoption by this sub-Committee :—

> "All recruitment to the commissioned ranks of the Army, Navy and Air Force be made in India from amongst the Indians, provided that it shall be open to the Government to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India."

If a decision of that kind could be arrived at I think the question of the Indianisation of the officer ranks of the Indian Army could be easily settled within the scheme referred to by Sir Tej Bahadur Sapru and by Sir Muhammad Shafi.

Chairman : I will read this proposal again, so that you may have it before you :

> "All recruitment to the commissioned ranks of the Army, Navy and Air Force be made in India from amongst the Indians, provided that it shall be open to the Government to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India."

That is a general declaration which Dr. Moonje submits for discussion.

Lord Reading : Are we to do that independently of the Commander-in-Chief ?

Chairman : We might discuss that.

Sir M. Shafi : Mr. Chairman, so far as I can see only two questions are now before this sub-Committee. One question which was ancillary to the first of these two questions has already been settled, I understand, by the declaration which you, Mr. Chairman, made this morning; that is to say, the establishment of an Indian Sandhurst. We need not discuss that question any further.

Lord Peel : Why not ?

Sir M. Shafi : I mean the principle need not be discussed any further, because I understood the Government had made a declaration that an Indian Sandhurst should be created.

Diwan Bahadur Ramachandra Rao : For all arms.

Sir M. Shafi : Certainly, an Indian Sandhurst for all arms.

Lord Peel : I did not know that proposal had been agreed to; I have had no opportunity of saying anything about it.

Chairman : I gather he does not mean that it cannot be discussed; I gather he means he does not want to discuss it himself.

Sir M. Shafi : Exactly. So far as I am concerned, the question of the establishment of an Indian Sandhurst in India is practically concluded as a result of the declaration which has been made.

Chairman : That is, if it is acceptable to the sub-Committee.

Sir M. Shafi : Yes, quite. So far as the first of the two questions that are before us is concerned, namely the Indianisation of the officer ranks of the Indian Army, it is now clear that a scheme was framed, after very careful consideration, by the Army Department of the Government of India during the period when Lord Rawlinson was Commander-in-Chief, and was approved of unanimously by the Government of India and was submitted to the Secretary of State. That scheme resulted in the end in what is known as the Eight Units scheme. Why the scheme then prepared was not placed before the Skeen Committee I for one cannot understand, but that scheme is now before this sub-Committee, and, so far as my friend Sir Tej Bahadur Sapru and I are concerned, we stand by that scheme. So far as the recommendations of the Skeen Committee are concerned—that is to say, that one half of the officer ranks of the Indian Army be Indianised within a period of 25 years—we are not prepared to accept it.

Sir Tej Bahadur Sapru : That is out of date now.

Sir M. Shafi : Entirely out of date.

H.H. The Maharaja of Bikaner : To what are you referring ?

Sir Tej Bahadur Sapru : To the recommendations of the Skeen Committee.

Sir M. Shafi : Something like eight years has passed since the scheme adopted by the Government of India and sent up to the Secretary of State was produced, in 1922. If the scheme had been sanctioned at that time, by now the Indianisation of the officer ranks of the Indian Army would extend to one-sixth, for, putting aside one year, in seven years according to that scheme one-sixth of the officer ranks of the Indian Army would be Indianised, which means that by this time a great deal would have been accomplished. Nevertheless, even to-day Sir Tej Bahadur Sapru and I are ready to accept that scheme as coming into operation from January 1st, 1932 ; that is to say, from the commencement of next year.

Sir Tej Bahadur Sapru : I entirely associate myself with Sir Muhammad Shafi.

Sir M. Shafi : And we think this sub-Committee should now adopt that scheme.

Dr. Moonje : Quite right.

Sir M. Shafi : And should pass a resolution in favour of that scheme coming into operation as from January 1st, 1932.

Now, the second question which arises in this connection is the gradual elimination of what is known as the British garrison in India ; that is to say, the British Army. As has been pointed out by my friend Sir P. Sethna, if a beginning were to be made towards the reduction of that section of our Army in India and the substitution of Indian troops, there would be a considerable economy in the military expenditure of India. As has been pointed out by Sir P. Sethna, the cost of a British soldier in India—the expenditure on a British soldier in India—is equal to the expenditure on from four to five Indians.

Dr. Moonje : Five.

Sir M. Shafi : It is between four and five, to the best of my recollection. The result of such a partial reduction would be an immediate saving in expenditure.

Sir P. Sethna : Forty lakhs.

Sir M. Shafi : That could be utilised towards the cost of an Indian Sandhurst.

There is also in this connection another report to which I wish to invite the attention of the sub-Committee. As I mentioned the other day, the Government of India appointed a Committee, presided over by Lord Rawlinson, of which both my friend Sir Tej Bahadur Sapru and myself were members, known as the Military Requirements Committee. The report of that Committee, made after a very careful examination of the whole problem, is also of the utmost value in considering the two questions which are now before this sub-Committee.

Dr. Moonje : Did that Committee suggest a reduction of British troops ?

Sir M. Shafi : Yes, and in fact to the best of my recollection some reduction was actually made as a result of the recommendation of that Committee.

Lord Reading : My recollection of it was that it was 10,000 troops.

Sir M. Shafi : I only say that to the best of my recollection some reduction was made.

Sir Tej Bahadur Sapru : That is the case.

Sir M. Shafi : My recollection is very distinct, but some reduction of British troops was made as a result of the recommendations of that Committee. I think that that report would also be of the utmost value in regard to this question, and I think it ought to be before this sub-Committee.

I do not think I need take up the time of the sub-Committee any further. It seems to me that the reforms to which we have invited the attention of the sub-Committee are urgent, and there is a consensus of opinion in India—in so far as Indian political circles are concerned—that immediate steps should be taken towards the two goals which I have just indicated.

Lord Reading : I am speaking from memory and I am not at all sure about this, because a good deal has happened since then, but my recollection of the result is that during a period of a year or two years, or something of that kind, there was a reduction of something like 10,000 British troops altogether. That occurred during my time, and it was accepted at that time as a fulfilment of the recommendations made by that Committee. There may, of course, been have changes since, but that was what happened about it.

Sir M. Shafi : I quite agree ; that is my recollection.

Sir Tej Bahadur Sapru : That is my recollection also. The question was gone into at great length.

Lord Reading : Yes.

Mr. Jayakar : Do I understand there has been a scheme prepared by the Government of India, with the assistance of the military authorities, for the purpose of gradually replacing British troops by Indian troops ?

Sir Tej Bahadur Sapru : That is right.

Sir M. Shafi : That is the case.

Mr. Jayakar : If that is so I submit, Mr. Chairman, that just as you were good enough to give us information about schemes for Indianising the officer ranks of the Indian Army so we ought to have the benefit of this scheme too.

Chairman : I think I had better intervene at this stage, because I am afraid we shall get at cross purposes. Any information which has been mentioned you shall have, if it is available. But do let me remind you of this. If a Government—any Government, British or other— is responsible for the defence of a country, surely a committee of this kind, no matter how we are composed, cannot for one moment say " This is the measure," " This is the limitation," or " This is the maximum." When we are dealing with defence, I put it to you it is not a matter which you can determine ; it is a matter on which those responsible for that defence must, with their advisers, be the sole judge.

Sir M. Shafi : Quite right.

Chairman : As long as that is accepted we can go on with the discussion.

Mr. Jayakar : I do not dispute that principle ; all I ask is that as one piece of material before this sub-Committee to help us in our consideration of the question we ought to have the benefit of that scheme. It will not be more than one of the materials before us ; that is as far as I go at the present moment.

Chairman : Certainly, as I said, if I can get it ; but even then I want to warn you against this. I do not know anything about the scheme you are discussing, so I am speaking without prejudice, but whatever that scheme may have contained then, the circumstances and changes that have been brought about or contemplated by this Conference must be factors that will ultimately determine it, and determine it on its present position and not on what it was then.

Sir Mirza Ismail : I cordially welcome the announcement made by you, Sir, this morning, that the Government have no objection to the establishment of a military training college in India. It only

remains now to give effect to that decision, and I share the hope expressed by Sir Tej Bahadur Sapru that prompt action will be taken and that India will have the satisfaction of having a Sandhurst of its own, where training in all branches of the Army—infantry, artillery, cavalry and air force—will be given.

As regards the replacement of British officers by Indians trained in India or in England, I think that complete elimination of the British element in the Army is not desirable, even if practicable. If the British element is considered necessary and desirable for various reasons in what are called security services, it appears to me to be doubly so in the case of the Army. I should fix a given percentage of Indian officers to begin with, that percentage being increased in the light of experience. As regards the substitution of British units by Indian units, this Committee can only express its approval of the general principle that this should be effected in course of time. How that is to be done, and in what period that process should be completed, are matters that can only be settled as far as it is possible to settle them by a special committee appointed for that purpose. The fixing of the number of Indian officers for appointment in the various branches of the Army, and the increase of that number according to a time-table, may also be left to be determined by that committee. It seems to me to be quite impossible for this committee to settle such details here.

Lord Reading : Hear, hear.

Sir Akbar Hydari : Sir, I want also to support, in the main, what Sir Mirza Ismail has said, and I want to add one more point, as to why it will be impossible entirely to eliminate the British element from either the Indian troops or from the whole Army in India, and that is the discharge of its Treaty obligation by the Crown. If the details of those Treaties are looked into with the several States, it will be observed as to where and why and for what reasons a particular element must be British. It is therefore quite necessary that this subject should be left, as regards details and even with regard to even more general principles —certain details which may be involved in general principles—only to a Committee on which all the interests are represented.

Mr. Jinnah : I would apply my observations to the terms of reference before us in the light of the rulings you have given, Sir. Now the first proposition that I want to place before the Committee is this, that we have got now to give our expression of opinion, as far as there is an agreement in this Committee, either unanimous or such agreement that we can get, and the first proposition on which we have to express our opinion is the question of political principles relating to defence.

Now, what is the political principle on which we have to express our opinion with regard to defence ? As I understand it, the political principle is that India should be in a position to take over the defence of India as soon as possible. That, I understand, is the political principle. Within what period, by what methods, is a different question, but that is the principle which we have got to bear in mind—that India must, as soon as possible take over the defence. Now, for that purpose we have to consider what scheme shall be adopted to realise that goal. Proposition number 2 : that during the transitional period (which is called the strictly constitutional aspect) who should be the authority ? That has got to be decided by the Federal Committee. The question of the strictly constitutional aspect of defence during the transition period is really within the purview of the Federal Committee.

Then we have a third proposition, and that is its relation to the Crown, and I put that question to you, Sir. If you look at the minutes, you will find that I said, " Then there is the question of the relations with the Crown. When will that come up ? " And you were good enough, Sir, to say : " Again I do not dogmatise, but I have thought of it, and I have come to the conclusion in my own mind that they cannot be separated. For instance, when there is a talk of Dominion status you must keep it in mind that there is a form of commission that is essentially a Dominion commission as distinct from the King's Commission. I never disguised from the Imperial Conference that I hated the separation but it is for you to say. Therefore it is involved in the question of a unified system, so that I think for all practical purposes they should be discussed together. It may be that you would make separate recommendations, and it may be that in a general discussion they may be discussed together."

Therefore that question is also before this Committee, and the question of the reduction of British troops. I do not say for a moment that we are going to sit down here and lay down a definite scheme as to how the number of British troops should be reduced, to what extent it should be reduced, within what period it should be reduced : those are matters of detail which will have to be considered by some other competent authority, but this Committee must express its opinion on principle that as you go on with the Indianisation the British troops must gradually be reduced. That is the principle on which I would ask this Committee to express their own opinion definitely.

Now, having stated these fundamental propositions that are within the purview of the terms of reference of this Committee, let me take up first of all the question of the Indianisation of the officer ranks of what is called the Indian Army proper. Now, Sir, there is a great deal of misunderstanding, if I may say so. I may tell you, and I can tell this Committee straight away, that the Sandhurst Committee Report is a back number. I have no hesitation in saying that to this Committee : it is a back number. It is very unfortunate that the Government of India did not at once accept it wholeheartedly, and try their best in the meantime to give effect to it. But that is a different question. I grant at once that the Sandhurst Committee Report is a back number ; but I want the members of this Committee please to read the Sandhurst Report more carefully than it seems some of them had done when they made these observations. I would like you, Sir, to refer to paragraph 1, page 24. Now, the Sandhurst Committee——

Lord Peel : You mean the Skeen Committee.

Mr. Jinnah : Yes, it is the same thing. In that Report I want to dispel the impression that is created that only half a cadre was to be Indianised within 25 years. That is not quite correct, and if you will read that paragraph carefully this is what is said in Paragraph 21, page 24, the second paragraph on page 24, and I want specially to draw the attention of the members of this Committee to that paragraph : " By 1944 the senior of the Indian King's Commissioned officers now in the Army will have completed 26 years' service and will therefore be due to be considered for the command of regiments. This is the crucial test, and because of this it has been suggested (in the scheme described in Appendix II) that the number of Indians commisioned should not reach 50 per cent. until this stage is passed." Now, that was the opinion that was expressed by some members. " Our colleagues, the Honourable Sir Phiroze Sethna, Mr. M. A. Jinnah, Diwan Bahadur Ramachandra Rao, Major Zorawar Singh and Major Bala Sahib Dafle, while agreeing to the principles upon which the suggested scheme of Indianisation is founded, consider that the culminating point of the scheme, that is to say, the Indianisation of 50 per cent. of the cadre of officers in the Indian Army, should be reached at an earlier stage, viz., after 15 years."—— I am going to read the whole of it, if you will please allow me, because, with very great respect I am going to explain to you with the utmost patience, and I am not in the habit of losing my patience. If you will only have patience, I know perfectly well what I am saying. I say, therefore, that some of us did not give our assent to 25 years, and now I will read on : " ———in the case of Mr. Jinnah, Diwan Bahadur Ramachandra Rao and

Major Zorawar Singh and after 20 years in the case of the Honourable Sir Phiroze Sethna and Major Bala Sahib Dafle, and that the intermediate stages subsequent to the establishment of the Indian Sandhurst should be correspondingly accelerated." Therefore our position—the position of some of us—was that after the establishment of an Indian Sandhurst the period should be accelerated to 15 years; at least, that was my position. Then this is the unanimous conclusion we came to: "It is, however, unanimously agreed that, whether the slower or the more rapid rate of progression is ultimately adopted, the scheme actually in operation should be reviewed in 1938, that is to say, 5 years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration at the rate of progress." Therefore the unanimous recommendation is this, that after 10 years the scheme should be reviewed, and we were not committed to a period of 25 years. Therefore it is absolutely wrong to say that the Skeen Committee was unanimously committed to a 25 years period.

Sir Tej Bahadur Sapru : That is not what I said. You are imputing to me a wrong interpretation of the recommendation of the Committee.

Mr. Jinnah : Sir Tej does not appreciate the point yet. What I am saying is this, that it is generally taken by everybody that half the cadre was to be obtained within 25 years without any exception. That is not the position. The position is this, that we give the table, but the table was subject to being accelerated after examination, five years after the Sandhurst was established. Therefore our view was —at least, it was the view of some of us—that it ought to be done within 15 years.

Mr. Jayakar : Half the number.

Mr. Jinnah : Half the number, I agree. I only wanted to clear away that impression—that in no circumstances could it be accelerated—that is all.

Chairman : I am sorry to interrupt you, Mr. Jinnah. What I am trying to get is, what contribution does any of this kind of argument make to this simple practical point? If you agree, as everyone agrees, to the phrase "the Indianisation of the Army", which, boiled down, means the substitution of Indians for the British, the factors that govern that are not factors that can be merely set down on paper alone by anybody, not even military authorities. You have the practical application of the number of students, how the machine works, the proportion that turns out fit. For instance, I had a simple illustration, which I will give you. There have been 134 Indians admitted to Sandhurst. 69 are now serving, and for numerous reasons that I need not go into some of the others have dropped by the way, if I may use that phrase; and therefore the point that is bothering me is, what do we gain here by saying that in 25 or 15 or 30 or 40 years this complete thing will happen when there may be a hundred and one factors that cannot be calculated here that may upset the whole scheme on paper? Are we not compelled in the end, as practical people, to say "If we agree to this principle, let us at the earliest possible moment set about the necessary steps to give effect to it"? I do appeal to the Committee, that is how the position appeals to me.

Mr. Jinnah : Sir, what do you suggest?

Chairman : I suggest that if we agree to the principle that we have already indicated————

Mr. Jinnah : What is that principle?

Chairman : The principle is the Indianisation of the Indian Army.

Mr. Jinnah : We have agreed to that for the last quarter of a century.

Chairman : So you have to many other resolutions, which you still move.

Mr. Jinnah : I say I agree to that.

Chairman : So you have to many other resolutions which you still move to-day, and will continue to move, like me.

Mr. Jinnah : Let me understand you perfectly well. I do not wish to take up one single moment of this Committee's time unnecessarily. Let me understand. We are all agreed to the principle of Indianisation.

Chairman : Then shall I summarise what I suggest?

Mr. Jinnah : No, Sir; one by one, because I want to be very definite. My mind is a legal mind. We are agreed to the principle of Indianisation. What next?

Chairman : The next is that we should follow it up by a recommendation that to give effect to this there should be established a Sandhurst in India.

Mr. Jinnah : Agreed.

Chairman : Very well; the Sandhurst in India shall be no barrier and shall not interfere with the present arrangements for students coming to our Sandhurst.

Mr. Jinnah : Agreed.

Chairman : Very well. Then follow it up; we urge as a Committee that the necessary steps shall be taken to give effect to the establishment of a Sandhurst in India.

Mr. Jinnah : Agreed.

Chairman : Very well. If that is so what purpose do we serve by arguing as to what will be the period of training, and so on, in Sandhurst? The experts must work that out.

Mr. Jinnah : We are agreed in principle with the question that the Army should be Indianised. The principle of that has been agreed for a quarter of a century. As to Sandhurst, there was no agreement between the Government and us because the Government have not yet decided whether to establish a Sandhurst or not. If this Committee is going to recommend that a Sandhurst should be established as soon as possible, then we get that question out of our discussion.

Then the next question is how effect is to be given to the rate or the pace of Indianisation. That is a question which must be discussed by this Committee and some principle must be laid down.

I am not talking of whether it should be in 5 years, or 10 years, or 20 years. I quite understand that you may lay down very definite resolutions about periods and that you may not be able to do it. I quite follow that. The question is how is this to be given effect to.

Chairman : I will try and apply myself to answering that question. It is no good me suggesting a mode of procedure unless it is one that is going to carry us to definite conclusions.

Now, my answer to the last question, which is the fundamental one, is that there should be as a consequence or as a net result of any recommendation an expert Committee set up to give immediate effect to this. Now I put it to you that no one round this table—and I am not speaking as a military man at all; but common sense tells that the first thing to do is to secure the site of the building, the number of men you are prepared to train, the accommodation, and all those things. The period is all dependent upon that.

Lord Reading : Yes.

Chairman : Because any period that you lay down must be contingent upon those factors. What I want to see is that practical steps are taken to give effect to it.

Mr. Jinnah : I was in possession of the Committee, and I have not finished yet with you, Sir, or with this Committee. Let me complete what I have to say in this Committee.

If you mean to appoint a special Committee for the purpose of considering the question of the pace of Indianisation and the various questions which you have raised here, if that is the idea, that a special expert Committee should be appointed, are you going to give any guide ; are you going to lay down any principles for that Committee, or are you going to give them a blank cheque and say : "Now, you decide as you think proper." That is the next question which I ask. My experience, Sir, is this, that unless this Committee lays down some definite principles which will guide that Committee to examine the whole situation in the light of those principles which you lay down here it will be futile to have a Committee. What are the principles then ? Are you going to lay down here merely a pious expression of opinion that there shall be Indianisation ? That policy has been the policy of the Government for a quarter of a century now. You are not doing anything new. If you stop there—if the Committee decides that, of course, I have nothing more to say—it means that you are leaving the whole matter to an expert Commission or an expert Committee to decide as they think proper. I say you must lay down a definite principle as to the pace of Indianisation otherwise it is no use.

Sir M. Shafi : In support of what Mr. Jinnah has said——

Mr. Jinnah : One minute. I want your ruling, Sir. Are we, or are we not, going to lay down some definite formula, some definite principle, which will be guiding principle of reference to that Committee to give effect to it in detail ?

Lord Reading : I suggest that is not a matter for ruling. That is a matter for this Committee.

Mr. Jinnah : No, but the Chairman is now asking me what is the good of going into all these matters. I do not wish to go into any of them if that is the ruling. If you tell me that this Committee need not bother about it and that there shall be a blank reference, well I have nothing more to say. I say it will not do.

Chairman : Do let me answer your question, because we may as well clear it up at once ; we shall get nowhere if we do not. First I answer that it is not a question of ruling, it is a question of this Committee applying itself to the practical problem. I answer you in this way. When I made that declaration this morning in favour of Sandhurst I did not mean it as a pious declaration, and whatever may have been done in the past, we are speaking here as part of a bigger and a wider scheme.

Lord Reading : Hear, hear.

Chairman : Everyone assumes—at least I do, and I speak for myself—that when this Conference finishes it is not finished with words and resolutions, but that practical steps will be taken to dovetail into the whole the general principles. The logic of it all would be this, that if you pass a resolution such as I have indicated, of which we are all in favour, Indianisation and a Sandhurst, and so on, that does not mean, and I want to make it perfectly clear, in so far as I am speaking for the Government, that that is not merely a way of shelving it, but equally the Government would be foolish to say that, having agreed to this principle, this scheme must be carried out in X number of years if there are a number of factors which would upset the whole calculation.

Lord Reading : Hear, hear.

Chairman : That is all I am safeguarding against, and I beg to you to believe that the Government means to have Indianisation of the Army, they mean to establish a Sandhurst, and they mean to give effect to it. If there is going to be a Committee there must be Indians on the Committee and there must be practical experts on the Committee.

Mr. Jinnah : I have understood you perfectly well, but there is one very big factor which still you have not appreciated and which I am impressing upon you. I am impressing upon you, Sir, and this Committee that you must lay down some definite expression of opinion as to the pace. Unless you do that I am not prepared to agree to a Committee. That is my point.

Chairman : I understand that.

Mr. Jinnah : You must decide here as to the pace. Then how is it to be given effect to, by what methods, and through what means or instrument is a different question ; but I want this Committee to express its opinion as to the pace. As I have said before, the proposition, if you will allow me to say so, is in a nutshell. If we can only get correct information on one point then I think this Committee will be in a position to deal with it, and that is the question of wastage. What is the wastage.

Sardar Ujjal Singh : A figure of 120 has been given.

Mr. Jinnah : I am quite aware of that. We had great difficulty in the past in getting the number of wastage. I venture to say to this Committee that the highest speed that you can reach is as I put to you the other day—we will call it the X number of wastage—the highest speed that you can get to is to say that from 1930, or 1931, or whatever you like, there shall be no British recruitment. That is the highest speed you can get. The utmost that this Committee can recommend is that there shall be no British recruitment in the future. Beyond that speed you cannot go. It is impossible. Very well; now, in order therefore to understand how fast we can go what shall be the rate of our speed ? Let us definitely know what is the wastage per year. On this point we had great difficulty in getting the exact number. At one time we were told 180 officially. I want the Committee to follow me in this critically. At one time we were told 180 ; subsequently we were told 160 ; that is to say, when we were engaged in our enquiry in Committee, and we ultimately accepted the figure which was given to us officially as 160 ; and we proceeded on that basis to determine the pace or the rate of acceleration. It is the same question now before you to-day, and to-day I am told the wastage is 120.

Diwan Bahadur Ramachandra Rao : We were told 90 yesterday.

Mr. Jinnah : I think yesterday we were told it was 95.

Diwan Bahadur Ramachandra Rao : I think you, Sir, stated that it was 95.

Mr. Jayakar : In the notes supplied to us overnight it is 120.

Mr. Jinnah : I want, first of all, to get what is the figure of wastage definitely.

Chairman : I am told the information with regard to wastage is in the documents which were supplied to you this morning.

Mr. Jinnah : That is 120.

Chairman : Yes.

Mr. Jinnah : Very well.

Diwan Bahadur Ramachandra Rao : Does it include British officers posted——

Chairman : I will find out. That is the total of the present establishment over the whole of the Indian Army.

Diwan Bahadur Ramachandra Rao : It seems to me that all these difficulties arise because of various calculations. Some are included for some calculations and some are excluded from other calculations.

Mr. Jayakar : In the notes supplied to us last night the total number of officers is 3,141.

Chairman : I am told that that includes all.

Mr. Jinnah : I have not yet finished what I wanted to say.

Diwan Bahadur Ramachandra Rao : I do not think it includes all other arms except cavalry and infantry.

Chairman : I am told the answer is that it includes everyone. I do not know.

Mr. Jinnah : I do not think so. I do not agree with that.

Chairman : This is a challenge on data which has been supplied and we are not going on until it is quite clear. I now put the question to those responsible for supplying this information, are these absolutely accurate facts based upon the whole of the officers in the Indian Army ? I am told that those are the estimates we receive of the normal annual wastage on the present establishment of officers of the Indian Army with King's Commissions.

Mr. Jinnah : Of all arms ?

Chairman : Yes. We must not doubt the accuracy of that.

Mr. Jinnah : Do I understand—I am very nervous in accepting this figure—now from you that this is the total wastage in the Indian Army proper with regard to all arms. That is what I want to know.

Chairman : The answer to that is Yes, so I am told.

Mr. Jinnah : Very well.

Chairman : Of the Indian Army.

Mr. Jinnah : The Indian Army proper ?

Chairman : Yes.

Mr Jinnah : All the Arms ?

Chairman : All officers with the King's Commission in the Indian Army. It is made quite clear ; you know what it is.

Mr. Jinnah : I do not want to proceed any further with that matter. I will leave it there. We will take it that 120 is the wastage.

Now I want this Committee to express its opinion, and the opinion I want from this Committee is this. Let us examine, first of all, what is the number of Indians who ought to be recruited per year. We, on this side, hold—at least I hold—that you can get all the 120 if you want them.

Dr. Moonje : Yes, quite right.

Mr. Jinnah : We have ample material. Imagine 320,000,000 people with a history behind them. Does any man of common sense believe that we cannot produce 120 boys per year who will be able to stand the most rigorous and strictest test of efficiency before they are granted King's Commissions ? That is question number one. We can give you the whole number straight away. Are you prepared to accept it ? If you want to Indianise the Army, if you really are in earnest, if you mean to hand over the defence of India as soon as possible to India, you can do it by saying henceforth the total number of the wastage shall be recruited from amongst the Indians, and that will take you 35 years.

Mr. Jayakar : 26 years.

Dr. Moonje : 30 years.

Mr. Jinnah : It will take 35 years. The last General will remain British. It will take you 35 years if you stop all recruitment to-day. I shall welcome it most wholeheartedly if you can do it in 28 years or 25 years. I am not opposed to that but in order to get that result this Committee must express an opinion that henceforth there shall be no British recruitment.

Dr. Moonje : That is the point.

Mr. Jinnah : That is the point on which I want to focus the attention of this Committee, and I say you must express your opinion on the pace of Indianisation.

Now, Sir, I have got to say this. Another difficulty on which I want an expression of opinion from this Committee is this. We are very often told that it cannot be denied that, at any rate, the defence of India must remain with the British Government, and so long as that is the position the degree of responsibility to be transferred must be limited.

I do not want to go into old history, but the scheme with which we are working now, which provides for 20 each year, means that it will take several centuries, I think, before we have even Indianised the Indian Army proper. Then there is the question, when we have Indianised the Indian Army proper, or are going on with the Indianisation of the Indian Army proper, of the reduction of British troops side by side with that. That again is a question of pace.

As you go on reducing the British troops, it may be necessary for the safety of India, both internal and external, that our standing Army of Indian troops, which is about 170,000 at present, should be increased. If that number has to be increased in order to replace the British troops as their numbers are reduced you will have to get more officers ; remember that. Therefore, while you go on Indianising the officer ranks of the Indian Army proper, you may have to provide for an increase of troops as well as for additional officers, and there are some 3,000 odd officers—I am not quite sure of the number —with the British troops.

I say, therefore, that this sub-Committee must express a general opinion on the principle of the gradual reduction of British troops. The proportion of that reduction is a matter to be considered hereafter, but I would ask this sub-Committee to express an opinion on the principle, and to lay down that in our opinion British troops must be gradually reduced and replaced, if necessary by Indian troops.

That is all I have to say with regard to Indianisation. The next question is the question of a separate force, such as is suggested by the Simon Commission and which is referred to in the Despatch of the Government of India. I am opposed to that recommendation of the Simon Commission.

Lord Reading : I did not catch what recommendation you are referring to.

Mr. Jinnah : The recommendation which was referred to by the Chairman in the heads that he gave us.

Lord Reading : For a Dominion Army ?

Several Members : For a separate Dominion Army.

Mr. Jinnah : I am opposed to that. I do not want to say anything more on that at the present moment unless I hear someone supporting it, because I do not want to take up your time unnecessarily ; but if anyone is going to support it I will give my reply.

The next question before us is that of the Military Council. On that my view is that it will be essential to have a Military Council in India, just as you have here, for your purposes, an Imperial Defence Committee. I should like the Indian Princes and States to be represented on that Council, because it will be a question of All-India defence and the development of All-India defence, and therefore I should like the Indian Princes to be represented on that Council, and I am strongly of opinion that that will be necessary.

While we are thinking of the Indianisation of the Indian Army proper and the replacement of British troops, we shall also have to consider, as the replacement of the British troops takes place, another question, and that is not only to what extent we should increase our standing Army in view of the fact that a reduction

of British troops has taken place—we may have to do that, or we may not have to make a proportionate increase—but we must also consider our second line of defence. Our second line of defence at present is in a very nebulous state. It consists of the Auxiliary Force and the Territorial Force, which are referred to in the note which has been supplied to the members of this sub-Committee. That question requires a great deal of attention in India, and has been given a great deal of attention in other countries situated as India is situated. You cannot bear the burden of a huge standing Army.

In the old days whenever countries were in danger on their land frontiers what happened was that if there was a war two armies fought; the people were really not concerned with it very much. The two forces came into conflict with each other; one defeated the other, and the conquerer became the ruler of the conquered State, but the people went on as before; a man tilling his field suddenly came to know that, instead of A, B was the ruler of the country. He was not very much interested, except that a change of rulers had taken place.

But those days have gone; you cannot possibly nowadays depend upon a standing Army only; you must also have your national army. That was shown by what happened to you in this country during the war. Your standing army would not have sufficed if you had been entirely dependent on it and had had no material behind it of a national character which could be mobilised; otherwise the position would have been serious.

Raja Sher Muhammad Khan : But there is a Territorial Army in India.

Dr. Moonje : Only in name.

Mr. Jinnah : I wish there was a real Territorial Army in India, because in that case I think we could reduce our standing army very much, and use the money which we are now spending on the army for some urgent national requirements of our country.

Lord Reading : There is a Territorial Force of 20,000, I believe, and an Auxiliary Force of 35,000 ?

Several Members : Yes.

Raja Sher Muhammad Khan : And a Reserve of 34,000.

Mr. Jinnah : Let me tell you, Lord Reading, that in America there is a Territorial Force of nearly a million.

Lord Reading : They have no standing army.

Mr. Jinnah : They have a standing army of over a lakh in America, and they have what is called a Citizen Army, or second line of defence, which is nearly a million strong. We have the figures and facts, and if you want to verify that, Sir, I would beg of you to look at, and let my colleagues here see, a copy of the report of the sub-Committee of the Skeen Committee, which has been suppressed by the Secretary of State for India, up to now, and then you will get the facts. I am asking for materials, and I do beg of you to induce the Secretary of State for India to release that sub-Committee's Report.

Mr. Jayakar : I should like to know a little more of what Mr. Jinnah is saying. What is this sub-Committee's Report ?

* * *

Mr. Jinnah : The sub-Committee which was appointed by the Skeen Committee to come to England, France, America and Canada, collect materials of the various systems that prevailed in these four countries, and we spent something over 3½ months in travelling round collecting those materials, and those materials will give you all the information as to what is happening to other countries like ours, such as America.

Chairman : But surely it does not help us. What is the hostile land frontier to America ? I am not a military expert, but I know America. What is the hostile land frontier to America ?

Mr. Jinnah : I was not saying that.

Chairman : Well, America was quoted.

Mr. Jayakar : My question to Mr. Jinnah was, I want to know the details of this Report, Sir.

Sir Phiroze Sethna : Ask the Government to give members a copy of that Report.

Sir Muhammad Shafi : Seeing that the land frontiers of India are much larger than the land frontiers of any other country, it follows that there should be a larger second line of defence in India than in those other countries.

Mr. Jayakar : My question to Mr. Jinnah was, I want to know the details of this sub-Committee's Report.

Mr. Jinnah : I say that the sub-Committee has made a Report giving you the various facts and figures with regard to the position of these four countries—France, England, Canada and America—giving you all the materials, and those materials, I say, if they were placed before you would give you a great deal of information which would enable you really to understand the whole problem—with regard to the second line of defence, I am talking.

Now, with reference to your remark, Mr. Chairman, I am very much obliged to you for saying that as far as you are aware America is not threatened with land frontiers. I agree with you; and yet America has a standing Army of nearly a lakh.

Chairman : That is to deal with boot-leggers.

Mr. Jinnah : Well, whether you have boot-leggers within your jurisdiction or whether you have boot-leggers on the frontier, these armaments are necessary. The question is where they are. Therefore I say that you will never get—let me tell you, you will never get—a reduction of military expenditure in India of any appreciable degree until you build up a real second line of defence. All countries placed as India is placed have got to do that.

Now, Sir, I have done with that question, and I conclude by saying this—that this Committee really must, if you are going to contribute anything useful to the question of the political principle of defence, if you are going to make any contribution, you must make definite recommendations. That is all that I have to say.

Sir Muhammad Shafi : There is one matter which I think requires a little further elucidation, if I may be permitted just to invite the attention of the Committee to it. The paper with which we have been supplied this morning shows that the scheme adopted unanimously by the Government of India in 1922 contemplated complete Indianisation of the officer ranks of the Indian Army in 30 years, and if you turn to Appendix I to that Report you will find that according to that Report the number of commissions granted during each period is given in that Appendix. During the first 14 years, according to that scheme, the number to be granted annually averaged 81·4, the number to be granted during the second period averaged annually 182, and the number to be granted during the third period averaged annually 227—on an increasing scale—and having provided for this average grant of commissions at a certain rate during each of the three periods, the scheme contemplated complete Indianisation within 30 years. On the other hand, the Skeen Committee, you will remember, consisted originally of 14 members. Of these 14 members, Pandit Motilal Nehru resigned, and there remained 13 members. Of these 13 members a majority—that is to say, eight members—approved of the Skeen Committee's scheme which would Indianise 50 per cent. of the officer ranks of the Indian Army in 25 years. Three, including Mr. Jinnah, voted for 15 years, and two for 20 years. It is clear, therefore, that the majority report of the Skeen Committee contemplated Indianisation of one half—that is to say, 50 per cent. of the officer ranks of the Indian

Army—in 25 years. That is what I meant when I said that neither Sir Tej Bahadur Sapru nor I, who were party to the Government of India scheme of 1922, are prepared to accept the Skeen Committee's Report. We stand by the original scheme of the Government of India adopted in 1922, and we ask that this Committee should lay down as a political principle regarding Indianisation that the officer ranks of the Indian Army should be completely Indianised within a period of 30 years commencing on the 1st January, 1932.

Lord Reading : Are we to lay that down without consideration of what the head of the Army considers possible ? Is it contemplated that we should lay that down as a fixed principle without regard to the Commander-in-Chief or the expert authorities in India or the Government of India ?

Sir Muhammad Shafi : May I point out, Lord Reading, that the scheme adopted by the Government of India in 1922 was adopted with the unanimous consent of the Commander in-Chief, the then Viceroy and the members of the Cabinet, all after having fully considered it in all its aspects and upon the basis of the recommendations made by the Army Department of the Government of India. There is no reason to think that the conditions which existed in 1922 have undergone such a material change that the same principle cannot be adopted now.

Lord Reading : Was this approved by military experts ?

Sir Tej Bahadur Sapru : Yes, by the highest military officer at that time in India.

Sardar Ujjal Singh : I should like to make a few remarks on this matter after the long speech to which we have listened from Mr. Jinnah. I do not wish to say very much on the points which have been already covered. I doubt very much whether any one disputes the capacity of Indians to hold high rank in the Indian Army. I do not want to say anything on that, nor do I want to say anything about any differentiation being made between man and man or between various classes. What is required is to have the best material for the higher ranks in the Indian Army by open competition. There should be a fair field and no favour.

I should like to say that I welcome your declaration, Sir, on behalf of the Government, and I believe that it will be received in India with a great sigh of relief. The establishment of an Indian Sandhurst immediately as soon as conditions permit will certainly be welcomed, but it does not carry the matter any further than what has been recommended in the Sandhurst Committee report. Unless you back up that declaration by a certain declaration of policy with regard to the pace of Indianisation I do not believe that it would create very great enthusiasm. As many of the speakers have already pointed out, the Sandhurst Committee report is already a back number. I think with regard to the establishment of a Sandhurst that you must lay down some definite principle because you will have to determine the capacity of the Sandhurst to be established. The Sandhurst Committee drew up a scheme, and according to that scheme they contemplated the establishment of a Sandhurst in India in 1933 with a capacity of 100 Cadets only. 33 Cadets were to be admitted every year. In that case the pace of Indianisation would be that in 1952 we would have only 50 per cent. of Indians in the higher ranks. That, you know, Sir, is not going to satisfy India now ; and if you are going to satisfy Indian public opinion you must lay down some principles, and express some opinions, about the pace of Indianisation, and then leave the details to be worked out by the expert Committee. As has been mentioned, one scheme was drawn up as far back as 1922 for the Indianisation of the higher ranks in 30 years. If that could be true in 1922 it could certainly be true now. If you could draw up a programme of Indianisation in 30 years that might satisfy public opinion. From that point of view, from 1922 we have taken 38 years and not 30 years as was contemplated then. Without determining, or without laying down some principle with regard to the pace of Indianisation, the simple announcement of the establishment of an Indian Sandhurst would not carry us any further.

Then, Sir, with regard to the reduction of British troops in India. Opinion in India is certainly growing strong with regard to the reduction of British troops. Many of us here remember that previous to the Indian Mutiny the strength of the British troops was very small. I have some figures but I do not know whether they are quite accurate.

Diwan Bahadur Ramachandra Rao : The number was 28,000.

Sardar Ujjal Singh : The strength of the British troops was 28,000.

Lord Reading : Of what date are you speaking ?

Sardar Ujjal Singh : Previous to the Indian Mutiny in 1857. Of course it was after the Mutiny that the strength of the British troops was raised, and now it stands at about 60,000. When you compare the cost of British troops before the War and what it is now all of us will realise what it means to India to reduce the number of British troops in India. Previous to the War one British soldier cost 1,000 rupees, but at present he costs 2,500 rupees, as against 650 rupees for the cost of an Indian soldier. Now, Sir, if a reduction in the number of British troops is gradually carried out of course with due regard to efficiency in the Army, with due regard to the safety of the country, and with due regard to other interests which have been pointed out already, we must lay down a principle here which has not been laid down before that there is a necessity for the reduction of British troops now, because a Federal Government having been established that suspicion is bound to be removed and the necessity for British troops which are kept there with the object of pre serving internal peace, or for Imperial purposes, will certainly be curtailed.

With regard to other matters which have been mentioned by Mr. Jinnah, such as the relationship with the Crown, I should not like to say anything ; but I do want to mention these two points particularly, the pace of Indianisation in the higher ranks of the Indian Army and the reduction of British troops. I think some general principle and an expression of opinion must be laid down by this Committee and the details should be worked out by an expert Committee to be set up afterwards.

H.H. The Maharaja of Alwar : I should like to ask a question of this Committee. I hope the splendid scheme of a Sandhurst College or school in India will be open to the Indian States also.

Chairman : The one thing that we want to avoid is segregation, and I have no hesitation in saying that the answer to His Highness' question is " Yes, certainly."

H.H. The Maharaja of Bikaner : The Sandhurst will be open to officers of the Indian State Forces as well as to our subjects ?

Chairman : Certainly.

Diwan Bahadur Ramachandra Rao : With regard to the Indian Sandhurst Committee, a circular was sent round to all the Indian States asking them to inform the Committee as to what their requirements would be and whether they would be willing to have their officers trained at the Sandhurst which they proposed. Most of the States replied that they would be willing to take advantage of the Sandhurst when it was established.

Chairman : So that for all practical purposes we are discussing Sandhurst in relation to the whole.

Diwan Bahadur Ramachandra Rao : And the scheme provided for a certain number of candidates from the Indian States.

Chairman : At what time would you like to reassemble ?

H.H. The Maharaja of Bikaner : We are seeing the Prime Minister at 3 o'clock this afternoon, so I am afraid we should not be able to be present if you recommence at that hour.

Mr. Jinnah : May I point out to His Highness The Maharaja of Bikaner that paragraph 48 of the Skeen Committee's Report says this, " It seems probable that a number of the Indian States would be glad to avail themselves of the benefits of the training available in the Indian Military College, if one is established, for the purpose of giving higher training to some of the officers of their State Forces. We believe that the participation of the Indian States in the College would be an advantage to India as a whole, as tending to increase the efficiency of the Indian State Forces, and we recommend that a certain number of vacancies be reserved for Indian States at the College over and above the number of vacancies available for candidates who seek Commissions in the Regular Indian Army."

Sir Akbar Hydari : It is only for the officers of the Indian State Forces.

Mr. Jinnah : They will be eligible for admission.

Chairman : To go back for a moment to the question of our next meeting, I understand the Princes cannot be here this afternoon.

H.H. The Maharaja of Bikaner : All the Princes have to see the Prime Minister this afternoon about their own matters.

Chairman : To-morrow morning we cannot meet because the funeral of the King's sister will take place.

Sir Abdul Qaiyum : I have a suggestion to make. I think the Indian Sandhurst should be open to British lads too.

Sardar Ujjal Singh : Yes.

Sir Abdul Qaiyum : We should encourage English lads from England to come, if they would care to come to the Indian Sandhurst.

Colonel Haksar : I quite agree.

Chairman : I do not know if it meets your wishes, but it may save discussion if in the interval I try and summarise the position in some broad general resolutions. That will enable you to have some material before you.

(The sub-Committee adjourned at 1.5 p.m).

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. VII. (DEFENCE) HELD ON 12TH JANUARY, 1931.

Chairman : You will remember, Gentlemen, that when we adjourned on the last occasion I said I would endeavour in the interval to try and focus the discussion on certain definite resolutions. I think I am interpreting everyone's views when I say that to attempt to set up a definite scheme or a time table in a Committee of this kind and on such a question as we are discussing is next to impossible.

Lord Reading : Hear, hear.

Chairman : I think more harm would be done than good in attempting to do any such thing; but, on the other hand, there are certain definite principles on which there appears to be unanimity existing in the Committee, and instead of a long debate again over the whole subject, I have drafted a few resolutions as I so interpret your feelings which may be the basis of discussion.

I have arranged for copies to be circulated. I will now read them.

" (1) The sub-Committee consider that with the development of the new political structure in India, the defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone." That is a first broad general declaration.

Then " (2) In order to give practical effect to this principle, they recommend

(*a*) That immediate steps be taken to increase the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency."

Now, that is the first statement following that declaration.

" (*b*) That in order to give effect to (*a*), a training college in India be established at the earliest possible moment in order to train candidates for Commissions in all arms of the Indian Defence Services. This College would also train prospective officers of the Indian State Forces. Indian Cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell."

That is to give effect to the declaration which I made on Friday.

" (*c*) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian, to work out the details of the establishment of such a College.

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation."

On that you will also remember I intimated there was a Committee to consider that, and the idea is that that Committee's job should start immediately our work has finished. Now that document will be circulated. You will see it gives a broad general effect to the discussion as it took place on Friday.

Lord Peel : Do you propose that the discussion now as it were, should start afresh on the basis of this paper which you have laid before us, and rather wipe out, as it were, what was said on the last occasion ?

Chairman : Let me put it in this way. I hope there will not be too much discussion; I hope we shall apply ourselves to seeing how far these, what I call for short, resolutions meet the general views of the Committee.

Lord Peel : I see.

Sir Samuel Hoare : Your idea, Mr. Chairman, would be supposing there was agreement upon these resolutions that this would be the report of the Committee ?

Chairman : That is so.

Sir Samuel Hoare : I see.

Sir M. Shafi : I take it the object is to focus the discussion on these propositions ?

Chairman : Certainly.

Lord Reading : Mr. Chairman, you have by the step you have taken given effect to the propositions that I was about to make which would not have been so well expressed or so carefully thought out, but which would have followed along the same lines, because I was very anxious that we should not as a Committee attempt to lay down principles which would fetter in any way the judgment or the discretion of the military authorities and the Government of India when they came to consider these matters; because frankly it seems to me impossible for us, although we have some distinguished military officers amongst us, and amongst them several of Their Highnesses and others who are here present now whom I need not name, we cannot consider ourselves an expert Committee, and it would be most dangerous

for us to lay down any principle, as it seems to me, stating any rate of Indianisation or anything of a precise character of that kind which would or might embarrass those who will have to deal with this subject. You have dealt with it, Mr. Chairman, in a manner that seems to me to satisfy certainly my views, and so far as I can gather, the views of the majority of the Committee. You do affirm that the rate of Indianisation is to be increased, but it must be having regard to all relevant considerations. I quite accept that.

With regard to the Indian Sandhurst, which is in (*b*) and (*c*), I do not desire to say anything. I raise no objection to that. The Committee known as the Skeen Committee was appointed by me. It reported after my time, and has been dealt with. Some of its recommendations have been made effective; others, and especially this one, have not yet been accepted by the Government. I quite agree that this is a matter which should receive early attention. It can be dealt with, I suppose, now by a Committee if it is set up at once which will have to examine it. It has to be borne in mind when the new Government comes into operation that it will have to bear the burden of responsibility for these various matters, and before anything is done one would think that they must be the authority to give the instructions and to come to conclusions in consultation no doubt with the military authorities here and the Viceroy who is in charge of the reserved subjects; but there can be no objection to the setting up of the Committee so that there may be no time lost in examining this whole question; and that it is necessary to have an examination is made very plain by the discussions which have taken place here. I think Sir M. Shafi and also I think Sardar Sahib Ujjal Singh, and I am not sure there were not others, who said that the Skeen Committee's Report is dead; it is out of date. It is true they only say that with reference to the part which deals with the Indianisation of officers, but it serves to illustrate the point I want to make with regard to it, that these Reports very soon become out of date. You cannot help it. The 1922 Committee's Report which is before us and which is preferred by most of those who spoke, including Sir M. Shafi, because it proposed a much more rapid Indianisation than the second Report—the Skeen Report is dead and you go back to 1922.

Sir M. Shafi: Perhaps Your Lordship means a comparatively rapid Indianisation; not much more rapid.

Lord Reading: It seemed to me from what was said much more rapid. It does not matter about the term; it is preferred because it is more rapid. Well that is the 1922 Committee's Report which is even older than the Skeen Committee's Report. I do not suppose anyone would say that you could take those recommendations and accept them without further consideration. I would point out also that there have been a good many changes made since 1922 when the matter was examined with very great care at the time. The whole question was considered, as I have said, in all detail, and I think the one thing at any rate that stands out very clearly in my mind is that this is a subject which no human being, and particularly an Indian who is interested in the defence of India, would ever venture to pronounce a hasty opinion upon. Everyone must assume certainly who is familiar with that Report that the whole question requires most careful examination. I say no more about it; I am content to leave it in that way.

The only other matter with which I want to deal is one which I confess has rather troubled me in the discussions in this Committee, and that is No. (3). Of course I bow to your ruling, Sir, which permits of some, although very limited, discussion with regard to the reduction of British troops. It had never occurred to me when we were talking of Indianisation that we were speaking also of a reduction of British troops. In my time, at any rate, and as I have understood the nomenclature, the debate on Indianisation has always referred to the Indianisation of officers, the question of the substitution of Indian officers for British; it has always been discussed under the term of "reduction of British troops." I cannot dwell upon that or make more of it, because you have said, Mr. Chairman, that to some extent it is open. All I wish to say with regard to it is that I would hesitate very much indeed to express any opinion with regard to the number of British troops without———

Sir Samuel Hoare: This does not express an opinion.

Lord Peel: It leaves it quite open.

Lord Reading: That seems to emphasise the wisdom of what I am saying, that I would hesitate to express any opinion. All I am saying is that I would hesitate to express any opinion for that reason, and probably no doubt if this is adopted you must remember it is a proposal. It is, "The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation." Now, that is a proposal. If it is accepted there is nothing more to be said with regard to it. It may make it easier; but as far as I am concerned I want to say this. I think one has to be very careful about it. When you speak of reducing the number of British troops in India to the lowest possible figure, that, I presume, means consistent with the obligations which Britain has undertaken and consistent with the work which the Army has to perform, and also bearing in mind the required efficiency of the troops and especially the numbers that are to be employed if the Army consists only of the number of troops that we have at present. I have in mind particularly in this connection one matter, I have no doubt there are others, which probably Sir Akbar Hydari would be more familiar with than I am, as I am only speaking from a recollection of the time when I was there, under which the British Government is under obligation to keep British troops, or to keep Indian troops with British officers, and in that connection the obligations could not be performed unless you maintained to some extent, at any rate, these troops and British officers. All I wish to say with regard to this, having gone through this question with very great care at one time, when after a great deal of pressure, and legitimate pressure, especially based on the desire for economy in the Committee's Report of 1922 we reduced the number of British troops by something like 15 per cent., that is by about 10,000. That was done only a few years ago. For my part I hesitate very much to express any opinion that a reduction of British troops is desirable at this moment or that it can be achieved. I should not like to say, and I do not want to be committed to any observation of that character, although I quite agree that the Committee is entitled to form the view that as soon as you can consistent with safety and efficiency and all relevent considerations reduce the number of British troops because the cost is much cheaper. It is between four and five times cheaper to have Indian troops than British. But you must not do that until it is safe to do it. I should be very surprised if you could do it to any extent at the present moment, bearing in mind all the considerations that you must take into account for the defence of India and all possible contingencies. For my part, as I have said, I should hesitate at this moment to give a vote in favour of the reduction of (1). I should like to be satisfied. I hope I am right in thinking that everyone here would take that view. That is all I wish to say with regard to that matter. I do hope that we shall not in the debate get any further than that in considering this question of the reduction of troops.

Sir M. Shafi: Lord Reading has expressed his opinion which of course, coming as it does from him, must carry weight and receive careful consideration with regard to the second and third propositions, which you, Sir, have formulated on this paper. May I venture to ask him what is his opinion as to the principle laid down in paragraph 1? He has not said anything with regard to that. Before any of us

express our opinions I should like to know whether His Lordship accepts the principle laid down in paragraph 1.

Lord Reading : Yes, certainly ; that is why I did not criticise it.

Sir M. Shafi : If that is so, then bearing the principle laid down in paragraph 1 in mind it seems to me that that necessarily leads to two things.

Firstly, with regard to what is called the Indian Army proper—that is to say, the Indian section of the Army in India—it leads to the Indianisation of the officer ranks of that section of the Army. In the second place, the principle noted in paragraph (1) also leads to this, that the British garrison in India—that is to say, the British Army—should be gradually eliminated, being substituted by Indian regiments to the extent that may be necessary.

Lord Reading : Why do you say that, Sir Muhammad ?

Sir M. Shafi : Because of the principle laid down in paragraph (1).

Lord Reading : I do not agree.

Sir M. Shafi : It lays down that " The defence of India must to an increasing extent be the concern of the Indian people." That necessarily, I venture to submit, leads to those two results.

Lord Reading : If you will allow me to say so, Sir Muhammad, I should like to point out that that is not quite right, for what you have referred to is not the whole of it ; it goes on to say " and not of the British Government alone." If your question to me had been whether I said the defence of India must be the concern of the Indian people, I should have said I did not agree ; but when you add " and not of the British Government alone," then I do agree.

Sir M. Shafi : I quite agree, but the point is this : At present the defence of India is the business of the British Government alone ; at present the Indian people do not come into the picture constitutionally so far as the defence of India is concerned. Therefore, if the people of India are to have an increasing share in the defence of their own country, I venture to submit that two results which I have submitted to you necessarily follow. In the first place there must be the Indianisation of the officer ranks of the Indian Army, and secondly there must be the gradual elimination of the British garrison and the gradual substitution for it of Indians for the purposes of the defence of India. I do not say, of course, that there should be any large elimination of or decrease in the British garrison ; I do not say that at all. Lord Reading said that after very careful consideration in 1922 certain conclusions were arrived at, including the reduction of the British garrison. I forget now what was the actual percentage proposed.

Lord Reading : Roughly ten thousand out of seventy thousand.

Sir M. Shafi : I entirely agree that the scheme which was framed in 1922 and the conclusions which were arrived at in 1922 were the result of very careful consideration, and in that lies the value of the conclusions then arrived at ; that is the reason why I said that that scheme—having been very carefully considered and revised and, after revision, adopted unanimously by the Government of India, including Lord Reading, the late Lord Rawlinson, and all the members of the Executive Council—is a scheme which is worthy of the serious consideration of this sub-Committee.

I do not say that in every detail that scheme must necessarily be adhered to ; all I say is this, that the period of Indianisation which was computed at that time is a period which should be borne in mind by this sub-Committee—within thirty years. I venture to think that the opinion then arrived at holds good even now ; I see no material change in the conditions in which those conclusions were arrived at. On the contrary, having been myself one of the representatives of India in the Imperial Conference this year, and knowing what is going on at Geneva and what steps the British Government is taking in order to bring about an agreement between all the great Powers with regard to the reduction of armaments and with regard to arbitration being adopted as the means of settling International disputes, and so on, I say that to my mind there is some prospect of a change for the better coming in the near future, though I do not say there is a change for the better to-day. That being so, it seems to me that the scheme prepared in 1922 is worthy of the consideration of this sub-Committee.

What I say is this. The three principles laid down by the Chairman in the paper that has been placed before us *prima facie* appear to me to conform to the principles which are worthy of adoption by this sub-Committee ; and, if you adopt the first principle, the second and third seem to me to be the necessary consequences of the first.

Chairman : Before I call on His Highness of Alwar, I want to make one observation which I feel you must all keep in mind. If this conference to-day were composed of representatives of South Africa, Canada, and New Zealand, all enjoying what is called Dominion Status and so on, I want to remind you that by their own action, claiming as they do to be equal co-partners with this country, the question of the defence of the Empire is not a matter for them. They themselves by their own act—and I hope it will never be departed from—are subject to a body called the Committee of Imperial Defence. Therefore, in view of the fact that you are not discussing law and order but are discussing defence, you must always have at the back of your mind that any scheme, no matter who submits it, whether it be one government or another, must by the very nature of things be subject to the Committee of Imperial Defence, because after all they are the responsible body for the Defence of the Empire as a whole. I make that observation because that must be a governing factor, and I do not want anybody to feel that there is something special for India about this. It is not something that is special to India ; it is common to the Empire as a whole.

Sir Tej Bahadur Sapru : Would Your Lordship, consistently with the principles enunciated in these resolutions, recommend the Expert Committee to be appointed to treat the reports of the Committees appointed during your Viceroyalty in India, and also the report of the Skeen Committee, as the basis of their consideration and discussion ?

Lord Reading : I should not like to say as a basis. I think they should have those reports before them and consider them. It is too much to say they should regard them as a basis, but I certainly agree that they should have those reports before them and that they should consider them.

H.H. The Maharaja of Alwar : On my own behalf, Sir, I should like sincerely to congratulate you on the brevity of the report which you have put before us, and when I read the various paragraphs in it, firstly saying that the defence of India must to an increasing extent be the concern of the Indian people, secondly that immediate steps be taken to increase the rate of Indianisation commensurate with the main object in view, thirdly that a training college in India should be established at the earliest possible moment, fourthly, that the Government of India be instructed to set up a Committee of Experts, both British and Indian, to work out the details of the establishment of such a college. and fifthly, that this Committee also recognises the importance of the reduction in the number of British troops in India to the lowest possible figure, and considers that the question should form the subject of early expert investigation, speaking for myself I doubt very much if Indians could have drafted a report more suitable to themselves, and I cordially support every word that you have said there. I congratulate you not only on the brevity of this report but on the material that it contains.

No doubt a great deal will depend on the two Expert Committees which will work out the details, and I can only express the hope, in concluding my extremely brief speech, that those committees, when they come to work out the details in accordance with the instructions given to them, will be equally generous in their sentiments and in the working out of the details, as generous as you, Sir, have been in drawing up the report of the sub-Committee, which I cordially support. I hope my colleagues will do you the justice, after expressing their individual opinions, of helping you in the same direction.

Sir Akbar Hydari : I want to suggest that an additional paragraph be added in the following terms *:* " The Committee also recognise that no action should be taken so as to prejudice in any way the power of the Crown to fulfil the military obligations undertaken by it in any Treaty it may have entered into within any particular Indian State." All this will have to be borne in mind. As I have repeatedly said here and elsewhere, we are definitely of opinion that the obligation of the Crown to discharge certain obligations towards the Indian States must emphatically remain within the Province of the Crown and be unaffected by any action that may be taken, unless and until the Crown assures that State that its Treaty obligation will not be thereby affected.

Chairman : I will have a copy of that resolution, but I should like to make it clear that, whether any such resolution as that indicated by you is submitted or not, neither this sub-Committee nor any other Committee can in any way abrogate Treaty obligations that are in operation. I have always acted under the assumption—and I am sure everyone else has—that that stands beyond question, so that if any such declaration as that meets your point you have it from me, and I am sure it must be the clear intention of any committee.

Sir Akbar Hydari : It may be a declaration by you, but as this will go out as the report of the sub-Committee it would be desirable to have the report in that form.

Chairman : Please let me have a copy of that.

Lord Peel : I shall try to emulate the admirable example of His Highness, who has just spoken, as regards brevity, but I should like first of all to quote a sentence from the Skeen Report which seems to me very pertinent and which expresses in many ways my general point of view. I am quoting the words of Sir P. Pattani, who says here that he is not approaching the question " from the point of view of Indianisation against Europeanisation. I am only treating it ", he says, " as an Imperial question. It is in the interests of the Empire itself that every component part, every limb of the Empire, should be equally strong, so that no weak link or organ, no weak part of the body, should be so weak as to hamper the whole of the body in the event of a great danger." I think that is admirably expressed, if I may say so, by Sir P. Pattani.

I can say very briefly all I want to say on these proposals. I have always held that India, as she advances towards responsible government, must necessarily take the obligations upon her which that great position involves, and therefore that she must take an increasing part in her own defence. I agree with that proposition, and I also agree that—subject of course to the necessary requirements of efficiency—that rate should be increased.

Perhaps I may be allowed to say that, as I think Lord Reading will well remember, I was responsible over here for carrying through the proposals for the Indianisation of the Eight Units. I am quite aware that subsequently those proposals have been considered to be inadequate, but at the same time they were an extremely important commencement, and I think they have had very valuable results.

Then as regards the training college to be set up in India, I quite agree that that college should be set up, and I also agree that that should be coincident with young men also coming over for training at Sandhurst; I lay great stress on that point. Quite apart from the fact that Indian parents may often be unwilling to send their sons over here for training, I think this proposal would enable you to tap a very valuable section of the youth of India—that is to say young men who, whatever the grants may have been at Sandhurst, might consider it rather a heavy responsibility to come over here. A great many sons of families who are most competent to take part in the defence of their country will have an opportunity of getting that training in India itself. I should like to add that they will come over here to be attached to a regiment as well.

I am therefore in general agreement with those proposals, and I think (*c*) follows from them, so I need say no further word on that point.

I should add in parenthesis that I am only dealing with the question of the Army, because my friend Sir Samuel Hoare, who is an expert on Air matters and who flies a great deal more than I do, will say a few words on that side of the subject.

With regard to the very important question of the reduction of British troops in India, of course the question of the expense of British troops in India has been brought before me constantly, and of course the question has been raised that more are kept as an Imperial Reserve than might otherwise have been kept. I am extremely glad, Mr. Chairman, that you have advised that this sub-Committee should not itself go into the question of what reduction, if any, should be made, whether by way of reduction or substitution, at the present time, because I do not think we are really constituted for that and it is a most difficult and complicated question and one which involves a great many problems of defence which it is quite impossible to state in open committee. It involves all sorts of questions, possibly affecting other countries—questions of mobilisation, questions of support, questions of assistance elsewhere and so on—which it would be extraordinarily undesirable to state publicly.

I also recollect very vividly the fact to which Lord Reading has already referred of the reductions in 1922 as a result of the advice given by the Committee over which Lord Inchcape presided.

I should like to point out with regard to that that India at that time, was in a very difficult financial position, and that financial questions pressed very hard upon us when we arrived at those decisions; but I should like further to say—because I think it is worth saying—that that subject of the reduction of the British Army by that number of troops was examined after many many days most carefully in the Committee of Imperial Defence. I sat upon it for many days on that subject; it was thoroughly canvassed, and all the great military and air experts and the best military intelligence were brought to bear upon it, and the best military advice, and not only that, but advice of other kinds, from the Foreign Office and other quarters. Therefore, I think, Mr. Chairman, that you are extremely wise in saying that this subject should be the subject of expert investigation. I am not going to say now, of course, what should be the direction to that Committee; that will be considered later; but I feel—and Lord Reading has alluded to some aspects of this matter, that really the question of the reduction of the Britsh Army in India rests upon so many wide considerations that I hope the reference to that Committee will be a wide one, and that they will be able to take into consideration a great many other matters which, as I say, cannot be discussed here publicly but will be thoroughly thrashed out in that Committee. That, Mr. Chairman, I think, on those matters, is all I have to say. There are many things that I would have said about the Indianisation of the Army, but I think it becomes unnecessary to say them owing to the decisions at which you have arrived. Generally speaking, I think I should welcome these investigations, because I am not afraid of any investigation of that sort. I think the whole matter can very fairly be looked into, and I do not think there is any objection to it.

Sir Muhammad Shafi : Is it not an accepted theory, both in England and in India—in fact, in all civilised countries—that the greater mechanisation of the Army must necessarily result in the numbers of troops actually employed being decreased ?

Chairman : Well, if you put it this way, that if I were going out in the dark would I prefer to have two chaps with me with sticks, I would prefer a revolver myself ; but that does not prove anything, except my wisdom.

Lord Peel : That is no doubt a better answer than I could have given, I will only just remind Sir Muhammad of this, that the process of transition to mechanisation is an extremely expensive one, and a great deal of experiment and a great deal of work has got to be done before you settle on the exact form of mechanisation which it is prudent and wise to adopt.

Sir Samuel Hoare : Mr. Chairman, I have only one or two very short sentences to add to what Lord Peel has said, but I was a member of the Committee of Imperial Defence for seven years, which is a long time, and I was head of the Air Force for seven years, which is also a long time for a connection with a Service Department. That experience leads me to say two things. I would say first of all to my friends from India, whatever you do in this matter of Indianisation, keep the Army free of politics. I agree with you that we should proceed with the Indianisation upon the general lines set out in the first of these resolutions, but I do say, and say it most sincerely, having had a unique experience, perhaps, in starting what was a new fighting service for peace-time purposes—because you will remember that the Air Force was only created during the war, and that in the years immediately after the war, when I was at the Air Ministry we had to build from the very beginning—whatever you do, do keep these Army questions as free as you can from politics. If you once let politics influence you in dealing with such a question as Indianisation I am very much afraid that you will do irreparable damage to what is really one of the most sensitive of all machines—namely, a fighting machine that depends above all things upon *esprit de corps* and a feeling of mutual trust between officers and men in the various units. That is my first word, I will not say of warning, but word of advice to you. I would say, secondly, that when you come to start your Indian Sandhurst, keep up above all things the efficiency of the training. I should be very sorry to see a lower standard adopted for the training of officers in the Indian Sandhurst than the standard adopted in the British Sandhurst.

Dr. Moonje : We shall have the same standard of efficiency.

Sir Samuel Hoare : I am delighted to hear Dr. Moonje say that. You will pardon me, I am sure, for making these observations, because I had a unique experience of these questions after the war, and it is particularly necessary in connection with the arm with which I was connected—namely the Air Force. It is very wrong to assume that you can train a pilot in a few weeks or a few months, and make him an efficient Air Force officer. It needs a highly specialised training, and I believe that when you come to go into the details you will find it practically very difficult to add to your Indian Sandhurst a small Department for the training of Indian Air Force officers. I believe you will have to adopt other expedients for it. I do not now dogmatise, because they are practical questions and they can only be dealt with in a practical way ; but, as Dr. Moonje has just said, keep up your standard of training.

Thirdly, as to the questiou of economy mentioned in the last of these resolutions—a question which I know is of intense interest to India, as indeed it is of intense interest to us here as well—there again I say, whatever you do, do not press it too far, do not break your military machine in trying to cut down expenditure too quickly ; and if your experience in India is in any way like my experience here, the danger is not from the military authorities in opposing their will upon the civilians, but quite the contrary—the civilians imposing their economies, regardless of military considerations, upon the military. Now, Gentlemen, if your experience in India is the same as mine, that is a danger that you have got to have in view.

Let me, lastly, assure you that the last thing in the world we wish to do here is to inflate the number of British troops in India, and to keep more than are actually required. From the point of view of Great Britain, whatever may be the actual amount of the capitation charges in India, the existence of these many units in India does, in various ways, direct and indirect, place a very heavy financial obligation on the British tax-payer. Neither in the past have we had, nor now have we the least intention of using the excuse of the defence of India for keeping in being more battalions or more Air Force units than are actually required. Having said that, Mr. Chairman, let me end by saying that I see no reason why we should not agree unanimously to these resolutions and I hope that as a result of that certain things that India, I know, has required for many years will be carried into effect at no distant date.

Mr. Jinnah : Did I understand Sir Samuel Hoare to say that he agreed with the resolutions ?

Sir Samuel Hoare : Yes, I am prepared to accept these resolutions.

Col. Haksar : In paragraph 2 (*b*) you have said, " a training college in India be established at the earliest possible moment in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian State Forces." I would suggest for your consideration that while on this subject, and in consequence of the reference made in sub-paragraph (*b*) to the Indian States, our recommendation should be that the officers of the Indian States would also be eligible for training at the staff college in Quetta.

Chairman : Well, that is a question of wording. The object of this was to cover, quite clearly and specifically, the question put from the States on Friday : did the Indian Sandhurst, as we call it, include an opportunity for the States ? The answer was " Yes," and that was merely to cover that. You need not worry about it.

H.H. The Maharaja of Bikaner : I wish to add another small point, and to say that the States' subjects will be eligible to go to the Indian Sandhurst. I think it is so in the case of the English Sandhurst already.

Chairman : That is so, that is the intention.

H.H. The Maharaja of Bikaner : I have also another verbal suggestion in paragraph (2) (*c*), where we speak of an expert Committee, both British and Indian. I wish to suggest that it should include, after the words " Britsh and Indian ", " including representatives of the Indian States ", because we have already made it clear in the Sankey Committee that the States wish to have the same voice in defence and military affairs as the Federal Army in British India.

Lord Reading : I think it covers it as it is.

Chairman : I think it covers it.

H.H. The Maharaja of Bikaner : I only wanted to make it clear, that is all.

Chairman : Quite so.

Mr. Jayakar : Like some of the previous speakers, I also admire the brevity of the formula which you have proposed for the consideration of the Committee. Speaking for myself, I should have preferred —though recognising the inability of this Committee, not being an expert Committee, to go into details— I should have preferred like Mr. Jinnah, who spoke on the previous occasion, that this Committee, without touching any details, should give a direction to the expert committee as regards important

principles, including, inter alia, the rate or the pace of Indianisation. But if it is the view of the Committee that we should arrive at some unanimous conclusions, I recognise the wisdom of being content with 14 annas instead of 16, and if that is the wish of the Committee I would not like to go against the united wishes of this Committee. In that case may I submit one consideration for the approval of this Committee—namely, that when you refer to certain investigations, for instance in clause 2 (*b*) and in clause 3, I am anxious that all the pioneer work that has been done in the matter of such investigations by previous committees appointed by the Government of India, and on which military experts have sat, and which have had the benefit of all the important consideration at the hands of these experts—I am anxious to link up the work of these previous committees in the matter of the two investigations mentioned in clause 2 (*b*) and in clause 3. I recognise, as Lord Reading has pointed out, that he may not like to make the recommendations of these two previous committees the basis. He objects to the word "basis" there. May I suggest another formula which may be added as an additional paragraph—namely, that in making the investigations mentioned in clause 2 (*b*) and in clause 3 above, the fullest consideration be accorded to the proposals contained in the Government of India Committee's scheme of 1922 for the Indianisation of the officer ranks, and in the scheme recommended by the Military Preparations Committee of the Government of India. I am anxious that all this work——

Sir Muhammad Shafi : The Military Requirements Committee.

Mr. Jayakar : The Military Requirements Committee, yes. I shall be quite frank. I am anxious that all the great work which has been done during Lord Reading's time by the two committees, on which military experts sat, including the Commander-in-Chief, should be linked up with the work of the Expert Committee, and therefore I desire that this paragraph be added so as to bring that work into line with the work of the expert committee.

Sir S. Hoare : I find some difficulty in isolating one or two Reports. These are two very valuable Reports I quite agree; but looking back over even my own memory I can remember heaps of enquiries into various phases of Indian defence, and I cannot imagine any Committee of this kind being set up that did not take into account these various Reports. I do see objections to picking out one or two of them and trying to say that the other ones are less worthy of consideration.

Chairman : I had that point in my mind with special reference to the two Reports which were mentioned; but you will observe that during the discussion certain members of the Committee went back, if I may use that phrase so as not to be misunderstood, on a later Report to the recommendations of an earlier Report which clearly showed that there were not only differences of opinion but that experience changes the situation. I thought I would put the words in a much wider sense, but what I thought at the end was this, as practical people not only will this recommendation but the notes of our discussion be given to any Committee. Whatever the Committee may be commonsense tells us that before they start they will look at all the Reports.

Lord Peel : Of course.

Chairman : I cannot conceive of any gentleman here being asked to sit on a Committee to investigate this matter without him enquiring in the same way as I did. I was a novice, and when they asked me to take the Chairmanship of this Committee, I said, "Knowing nothing about it show me everything that has been written on it recently." Is not that what will happen?

Sir M. Shafi : Which later Report had you in contemplation when you were pleased to make the remark just now about going back upon previous views.

Chairman : The words I had in mind were that the Committee should be urged to take note of the various Reports on this subject.

Sir M. Shafi : I see.

Chairman : I did not exclude any.

Sir M. Shafi : With reference to the remark that you made just now——

Chairman : I know your point.

Sir M. Shafi : You said they went back on previous views.

Chairman : I did not say they went back, but that some preferred the Report of 1922. That is what I meant to say.

Sir M. Shafi : May I point out so far as the later Report is concerned the only Report that probably you had in contemplation was the Skeen Committee's Report. That was later.

Chairman : Yes.

Sir M. Shafi : But the 1922 Report was never placed before the Skeen Committee at all, and therefore you cannot say that the Skeen Committee arrived at conclusions different from those of the previous Committee after carefully considering them. In fact the previous Report was never placed before the Skeen Committee.

Mr. Jayakar : Replying to the point made by Sir Samuel Hoare, I quite agree with what has been said about an expert Committee being appointed to consider all the material which has been traversed on previous occasions, but the answer to that has been given by Sir M. Shafi, that before the Skeen Committee the Report of the 1922 Committee was never tendered although it is a most material document. In that connection that Committee had never the chance of looking into it. I am therefore anxious that special attention should be drawn to those two important Reports because they are really very relevant and very material on the question which these two expert Committees would be considering.

The next and last point which I wish to make, and which is merely a matter of drafting, is the difference in language between 2 (*c*) and 3. Both deal with an expert Committee and a subsequent investigation. The language which you have employed in 2 (*c*) is, "That in order to avoid delay the Government of India be instructed to set up a Committee of experts, both British and Indian, to work out the details of the establishment of such a College." Compare that with the language in (3), "The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation." My apprehension is that whatever our intentions here may be that when this document is given effect to, especially in the atmosphere of India, some kind of shelter will be taken under the different phraseology of 2 (*c*) and (3), and whereas the investigation recommended in 2 (*c*) will be immediately taken in hand the investigation recommended in (3) may not be taken in hand for another five, six, or a number of years, and for that the difference in phraseology may be held responsible. I am therefore suggesting, Sir, that the phraseology of (3) might be altered. I quite recognise that the urgency of 2 (*c*) is more than the urgency of (3); I am not blind to that; but I am very anxious that we should do nothing here to encourage the belief in India especially that the enquiry mentioned in (3) is to be held up for any length of time as opposed to the enquiry recommended in 2 (*c*) which is to be taken up immediately.

Sir M. Shafi : Might I suggest a slight modification of the formula proposed by you, Sir?

Chairman : Shall we settle this one point first?

Sir M. Shafi : It is in connection with this very point. If you add after the comma including those two my friend has mentioned in his Report I think that will serve his purpose and my purpose also.

Mr. Jayakar : No.

Sir M. Shafi : Will you read your formula again ?

Chairman : Let Mr. Jayakar finish as he has one other point to submit.

Mr. Jayakar : Therefore I am suggesting without insisting too much on the language that this possibility should be obviated in so far as the difference of language would cause it, and I therefore suggest that changes might be made in (3) so as to correct the impression that it is not our intention to hold up the enquiry for a long time.

Chairman : I can answer that. If we can find words with which to do it we certainly will. We have no intention whatever of using words that can be construed in a different way on this subject. The urgency of the subject is recognised, and certainly it is not the intention to merely camouflage it by different words. I will give you that assurance. I feel I am interpreting the wishes of the Committee. You know the effort we are making to conclude matters this week. I hoped to conclude the meetings of this Committee to-night but I have had an addition, I will not call it an amendment, submitted to me. Is there general agreement on this amendment ? I have it on paper and I will read it to you.

The amendment reads as follows. I want everyone to know what it is : " The Committee also recognise that no action should be taken so as to prejudice in any way the power of the Crown to fulfil the military obligations undertaken by it in any Treaty it may have entered into with any particular Indian State." It is suggested not by way of an amendment but merely that that should be an addition to any Report. That is your object I take it, Sir Akbar Hydari.

Sir Akbar Hydari : Yes.

Chairman : I draw your attention to that.

Sir T. Sapru : That obligation does not become wider by being in statement of that character.

Mr. Jinnah : This cannot be taken as an amendment.

Chairman : I have already said it is not an amendment. It could be taken as an addition to the Report.

Mr. Jinnah : I say " No."

Chairman : You may say " No," but that does not preclude me from saying " Yes."

Mr. Jinnah : No.

Chairman : If this Committee felt——

Mr. Jinnah : You were asking my opinion.

Chairman : I am giving you mine so that there shall be no misunderstanding. I have already said that, in my judgment what is contained in this is taken for granted. If this Committee felt——

Mr. Jinnah : You are asking my opinion.

Chairman : Will you let the Chairman finish ? I said if the Committee so desired and felt that they liked any such addition as that I would not object to it.

Mr. Jinnah : That is exactly what I was saying. I do not object to your statement. It goes without saying that you have to fulfil your Treaty obligations. No man can ask you not to do so, but the question with which I am concerned, is this, why should this form part of our Report ? I object to that.

Sir T. Sapru : I should like to make a very few observations. Like Mr. Jayakar and other of our friends who have spoken this afternoon, I should also like to express my satisfaction with the manner in which the resolutions have been drafted. I am particularly satisfied with the opening portion, and I would particularly invite the attention of the Committee to the words, " The sub-Committee consider that with the development of the new political structure in India——"

Those words seem to me to be the essence of the whole matter. Let me tell you frankly that whenever the question of the Indianisation of the Army, or any question relating to the defence of India, has arisen in the past the objective of India has never been kept in view. This to my mind is a very satisfactory departure from the old lines on which the question of defence has been considered and discussed. I served on some of the Committees which were appointed by Lord Reading, and although I am free to confess that the recommendations of those Committees, so far as Indianisation was concerned seemed to me to be far more drastic than the recommendations of the later Committee, still I would say that at the time when we were sitting on those Committees there was no question of such a political structure as we have been trying to evolve here. For that reason I attach a great deal of importance to the language of this resolution.

Now, I quite recognise that these questions of a military character cannot be disposed of by a Committee like this, but I do not think that the terms of your resolution, Sir, as they stand preclude us from raising any one of these questions before a Committee of experts, nor do I think shall we be precluded from inviting them to express their opinion on those questions.

I am particularly satisfied with clause (*a*) which expressly states, " That immediate steps be taken to increase the rate of Indianisation in the Indian Army." Again you come to very important words, " to make it commensurate with the main object in view, having regard to all relevant considerations such as the maintenance of the requisite standard of efficiency."

As regards clause (2) (*b*) I have nothing to suggest, except that I think the language is comprehensive enough.

As regards clause (3) what I would say is this that the question of the reduction of the number of British troops in India was considered by the Committee appointed in Lord Reading's time.

I quite agree with Mr. Jayakar that when these Expert Committees do sit their attention should be drawn to the reports which were submitted to Lord Reading's government by the Committees appointed by him. I used the word " basis " in the question I put to Lord Reading, but if his Lordship objects to that I would at any rate say that I would emphatically draw their attention to those reports, because those reports suggest a line of progress which to my mind has been ignored in the subsequent treatment of the question. I would not fight about words, but I do certainly hope and trust that the broad policy which was kept in view by the framers of those reports will be kept in view by the Expert Committee, and in the light of the new political structure in India which we are building up, and which was not in contemplation at that time, I hope the attitude of these Expert Committees will be even more progressive than that of the committees of 1921 and 1922.

As to the exact number of British troops, or their reduction at this particular moment or any particular moment, these are questions which require to be considered by an Expert Committee, but I venture to think questions of this character will come up for periodic revision and consideration every five or ten years, according to the circumstances existing at the time.

Speaking for myself, subject to the understanding that all these questions shall be taken up and discussed before the Expert Committee, I am prepared generally to give my support to these resolutions.

Dr. Moonje : Sir, I entirely agree with what Sir Samuel Hoare has said with regard to keeping the Army entirely free from politics and with regard to

the need for efficiency. I agree from that point of view, but I take exception to the language used in (*a*) of these resolutions. This says: "That immediate steps be taken to increase the rate of Indianisation in the Indian Army." I believe that does not carry us any further. To-day we may have twenty or twenty-two vacancies allotted to us at Sandhurst. If these vacancies were increased to twenty-five or thirty, it might be said that effect had been given to the resolution as it is here, but that would not carry us any further. What I say is this. If we are really going to make India responsible for her own defence, along with taking a due share in the defence of the Empire, as the other Dominions are expected to do, where is the harm in taking them if a sufficient number of Indians are available for the commissioned ranks of the Army? Why should they be precluded from having the training or from being recruited for the Army? If India cannot produce a sufficient number of men the recruitment may be made in Britain, but if India can produce a sufficient number of men who can pass all the tests for efficiency which can be produced, why should the number be limited and why should not they be given a chance of serving their country in the Army?

I think, therefore, that the wording of (*a*) should be changed to read: "That immediate steps be taken to arrange for all recruitment henceforth for the commissioned ranks of the Army, Navy and Air Force to be made in India from amongst Indians, provided that it shall be open to the Government of India to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India, and that due regard should always be had to the relevant considerations such as the maintenance of the requisite standard of efficiency."

Lord Peel: I do not know whether this amendment is going to be pressed, for if so I shall have a good deal to say upon it, and I trust the other one will not be, for I am bound to say that, with all respect to Sir Muhammad Shafi, I do not think his amendment is really necessary either, because all these Commissions always look back to past reports, and the whole matter is brought before them.

But when I said that I agreed generally to this Report, I did so because I did not want to spend the time of the sub-Committee in bringing forward amendments; but, if other amendments are brought in, I must withdraw that assent, and I shall myself ask and claim from the Chairman the right at a later stage to move several amendments. I do not want to do that, however, if it can be avoided.

Sir Samuel Hoare: Dr. Moonje has brought forward a totally new proposition, prejudging all the problems which are to be examined by Expert Committees. I do not want to go into his proposal now, because I do not know, Mr. Chairman, what your ruling will be; but if it is gone into I shall most respectfully ask to have the right of dealing fully with amendments which are raised.

Dr. Moonje: Lord Peel objects on the ground that this is a totally new proposition, but it is not a new proposition. On the very first day I brought this question to the notice of the President, and the President was kind enough to bring the matter to the notice of the whole house. It does not require any Expert Committee to pass an opinion on whether, if efficient Indians are available, they should be given the training or not. I do not think expert advice is wanted to decide that, and I would only add this. Do not put any kind of artificial restriction to the recruitment of efficient Indians for service in their Army. That is the only question I want to put. If efficient Indians are not available, I am not going to say inefficient Indians should be taken, but where is the need for expert advice in this matter?

Sir Samuel Hoare: I ask Dr. Moonje not to press his amendment, but if he is going to press it I shall have to give him an answer which will have nothing to do with politics at all but which will show that his proposal cannot be worked. I do not want to go into that in detail if it can be avoided.

Dr. Moonje: I have not heard any objection to my proposal except the one Lord Peel has advanced, and I do not think my proposal is one on which any expert advice is required. It only says that if efficient Indians are available they should not be precluded from serving in their Army. If efficient Indians are not available, it is not my intention to say that the standard of efficiency should be lowered or inefficient candidates taken. I therefore think I should press for this amendment, namely, that we should amend paragraph (*a*) to read: "That immediate steps be taken to arrange for all recruitment henceforth for the commissioned ranks of the Army, Navy and Air Force to be made in India from amongst Indians, provided that it shall be open to the Government of India to provide for recruitment in England to fill up such of the vacancies as cannot be filled up in India, and that due regard should always be had to the relevant considerations such as the maintenance of the requisite standard of efficiency."

H.H. The Maharaja of Bikaner: I am very sorry, Mr. Chairman, to have to ask to speak at this stage, but I have to see the Prime Minister on a rather important matter in twenty minutes' time, and I thought that as I was going away it might help to cut short some of the discussion if I made a little statement presenting my views, which I believe will not be very different from the views of many of the States. I am speaking with particular reference to the point which has been discussed here to some extent to-day and more particularly earlier in our proceedings, with regard to the fact that the States have their Treaties with the British Government. The British Government's guarantee of protection for our principalities is a fact which is well known to everybody. In addition, as I think Lord Reading pointed out, there are some States which have specific guarantees from the British Government to maintain, in consideration of areas ceded or other considerations, certain contingents of troops, British or Indian as the case may be—I am not well acquainted with the details—for the protection of those States.

Those questions are there, and I can quite understand the anxiety of those particular States in that connection. Nor can anyone wonder at the very natural desire of the States to see that the protection, and especially the protection from external and internal dangers of aggression guaranteed by the Treaties, should be really effective even after federation.

Therefore, as we have repeatedly urged in other committees such as the Federal Structure sub-Committee, the States must be perfectly satisfied that they are safe and that they will have every guarantee of immunity from danger in the future; but to my mind the question does not necessarily hinge upon the maintenance of an exact number of British troops or on their being maintained permanently for this specific purpose, so long as the guarantee of protection can be fulfilled.

I wish particularly to say on this occasion—and I think Sir Akbar Hydari will probably be of the same opinion as myself—that we are not putting forward a view which has been put forward by Sir Leslie Scott. We are very grateful to Sir Leslie Scott for the great efforts he made in putting forward the case of the States before the Butler Committee, but Sir Leslie, in his own personal capacity and in no way on instructions from us and at our desire, put forward the suggestion that British troops could never be withdrawn or Dominion Status granted because of the Treaties with the States. That is a view to which I personally and many others of us do not subscribe; we do not subscribe to that view because we do not want to stand in the way of the advance of our country, which is our Motherland, in regard to these matters. I for one decline to believe that it will be beyond the statesmanship of Great Britain and our ingenuity, combined with the goodwill of British India and the States, to settle this question, and I feel sure that we shall be capable

of devising some scheme which will provide satisfactory and adequate guarantees for the States. Meanwhile as federation progresses and as we see how it is working, it is possible that the States and British India and the Crown may come to some arrangement by which satisfactory guarantees to the States could be given.

As I have to leave in two minutes' time, and as I hope the sub-Committee will finish its Report today, I should like to point out that as in other cases so in the Military Council the States will naturally claim their fair share ; they will want to have a voice in the management of whatever affairs come under the purview of Federal India. As a keen soldier I should like to say that in addition to the training to be imparted at the Indian Sandhurst, which we hope will be set up very soon, I, in common with many of my brother Princes who are soldiers, attach the greatest importance to the education, training, fitness and efficiency of our cadets.

Finally, if I may be permitted to express my personal view, it is that Indianisation is overdue. That view, I think, is shared by us on this side, and personally I think the Eight Units scheme, however necessary it was to start with, is a scheme which on the face of it has so many demerits that I need not go into details. I hope that when effect is given to Indianisation it will be real Indianisation in the proper sense of the term.

Chairman : There are one or two observations which I should like to make. I cannot rule that I will not accept amendments, because that would be an arbitrary decision that could not be justified, whatever one's views may be ; but there are certain things I would ask you to remember.

This is not an unimportant sub-Committee, and the decisions at which we arrive and the recommendations that we make are not only important to India, but are, I believe, looked forward to with more than ordinary interest in India, and they will be looked forward to as what I would call a measure of our sincerity, and that is the test of the whole thing.

First of all, I should like to say this to Dr. Moonje, and I say it as one who has had many years' experience in negotiations. I am indifferent to the wording of a resolution. I have conducted negotiations where, the more it looked as if I was gaining something, from the spirit in which these things were offered me I knew I was losing. I attach infinitely more importance to the spirit behind the declaration than to anything else. That is the first point I want to make. In drawing attention to that fact I want to emphasise that I did not wait for the discussion before clearly declaring, on behalf of the Government, our views, and in doing that I had in mind quite clearly what I said before—the spirit behind the declaration. There is another thing to which I want to draw your attention, and it is this. Above all, in an important subject like the one we are discussing, you ought to strive to go to the main Plenary Session with a unanimous recommendation. If you do that you gain two things. You not only help your own position at home—and in helping your position you are helping ours ; let us keep that clearly in mind—but the very unanimity of your decision is the best guarantee that whatever committee is set up, or whoever they are, they have got something clear and definite and specific to act upon, whereas if you have a division, and if there are amendments either from one side or the other, the inevitable result of it will be that sides will be taken ; and we want to avoid sides being taken. We do not want the Committee that talks about Indianisation to be either pro-British or pro-Indian. We want them to go into the question realising that Indianisation is something practical and something that can be accomplished if there is a spirit and intention behind it ; but in doing that we do not want them to go into that question and merely assume that they are serving India by making a declaration that so many more Indian officers should be in the Army if they have done anything that impairs the efficiency of the Indian Army, because that would have retarded Indianisation and not helped it ; and that is why I welcome the declaration that when you talk of a Sandhurst in India we are talking about a standard of training in India to be equal to the standard of training in this country. That is the second point.

Now, the only difference really is this. First, there is a suggestion that if we put in the words, sort of giving an indication or an instruction, or whatever it may be, that these particular reports should be examined, you may help it. But do you help it when you accomplish the same thing by drawing attention to it in the Report that will be drafted ? I myself will take the responsibility of drafting that Report, and I will draw attention to all the schemes that were mentioned here. I will draw attention to them as being legitimate matters that were discussed by the Committee, and therefore I would beg of you to consider if you could help me now to have a unanimous decision. You have heard the decision of the Princes, you have heard the decision of Lord Reading, you have heard the decision of Lord Peel and Sir Samuel Hoare. If added to that there goes forth a unanimous declaration, that does two things : not only does it accomplish your object, but it enables us to say to the meanest critic, " The practical side of it is safeguarded, because we have not given preference to a mere principle or a declaration to the real efficiency that is fundamental to it." As I say, I cannot rule out your amendments, Dr. Moonje, neither can I rule out yours, Lord Peel ; I shall be compelled to accept them if they are pressed ; but I would say that I do not think either side would gain anything by pressing their amendments comparable to what they would gain by a unanimous decision. I solemnly tell you, never mind what the words say, the spirit behind these words is a genuine attempt to solve this question. That is the appeal I would make.

Dr. Moonje : I am very pleased and I am very glad to assure you that you have my fullest sympathy for the principle that you have enunciated. I am quite willing to co-operate with you and to bring about the thing which you desire ; and what is the thing that you desire to bring about ? It is that it should create an anticipation in India, it should create a feeling in India that something really tangible is being done here. If that is the desire I have great pleasure in co-operating with you and responding to your appeal. Now, look at it from the practical point of view. Supposing these resolutions go before the people of India, how will they look at it ? There are only a few people from India present in this Conference, and the people in India will not be feeling the intangible spirit that animates us all here ; they will read this resolution in cold print, and what will they find ? They will find it this way—to increase the rate of Indianisation. Then when I go back to India I shall be asked, " What have you brought, Dr. Moonje, about the Army ? " " An increase in the rate of Indianisation." " Yes, but the Skeen Committee has also proposed an increase in the rate of Indianisation. They have proposed that each year four men from Sandhurst should be taken ; and supposing four or five are taken, we know our Government of India as what they are, and therefore," they will say, " you have brought us this thing ; this is nothing new."

Sir Tej Bahadur Sapru : But you have got the words, " to make it commensurate with the main object in view."

Chairman : I am sorry to interrupt, Dr. Moonje. I was going to draw attention to that, but do let us talk for a moment about the critic in India. If the Lord Himself went back to India from this Conference He would have a rough time, and you will be no exception to that general rule ; but, on the other hand, your words would be criticised just as much as these words. But there are declarations in this document that you have never had in a Report before and do let me emphasise this, that the only limit

I put on you is the practical one, and the practical one is as much in your interests as it is in ours ; and that is all I would say.

Dr. Moonje : Excepting, perhaps, that the training college should be established at the earliest possible moment, nothing tangible seems to have been done here.

Raja Sher Muhammad Khan : You can say that Indian officers will be in all arms.

Dr. Moonje : If you have not understood yet what I want, I will make it perfectly clear in this way. If India can produce all the men efficient and fit to be recruited into the army——

Chairman : And this will give them the chance. This is the very thing that will do it.

Mr. Jadhav : As a matter of fact, I would point out that the college cannot be had with a few students there, and that the object which Dr. Moonje has in view is provided for.

Dr. Moonje : No, no. Our college that has been recommended is to start in 1933 and our yearly recruitment is about 160. If India can produce 160 Indians capable and fit, and considered fit after examination, why should not all the 160 people be recruited in India ? That is my point.

Chairman : Dr. Moonje, may I make this appeal to you ? You are talking as an Indian—I had intended to finish to-night, but if not we shall have to go to the amendments. I want to put this as a fair proposition to Dr. Moonje. Supposing that all you say is correct—I do not think it is, but supposing it is—and you table your amendments, I have got an intimation of further amendments from this side, and I have also got a fair body of support for the original proposition. Now, do you then, Dr. Moonje, accomplish the object you have in view by a Report going from this body which will then be tantamount to three Reports ? It will be so many for one amendment, so many for another, and so many for the other. Do not you, by that means, defeat the very object you have in view ?

Mr. Jinnah : May I just say this, Sir. I appreciate the draft which you have placed before us, and I think it forms a very good basis. Now, I do not want to go into outside matters, but the only point that has not been brought out in this draft is the basis of the rate of acceleration, the increasing rate. It has not been brought out. Now, is it not possible for us to appeal to our friends there, the representatives of the British delegations, and cannot we put our heads together so that we can express that idea in your draft ? The idea is this. We have got this pace defined by the Skeen Committee—we all know that—and that pace is half the cadre in 25 years, and a certain number of Indian recruits every year increasing. We have also got the other scheme, which of course was not before us. The honourable members, who were members of the Government of India, probably are not liable to be prosecuted under the Official Secrets Act, but they have mentioned the matter here and we have come across it. To tell you very frankly I have not yet been able to understand that scheme from the memorandum.

Sir Muhammad Shafi : Because the scheme is not before you.

Mr. Jinnah : The scheme is not before us, it is only the short memorandum that is given ; and the first thing that I do not understand is this—that that scheme contemplates the Indianisation of 6,000 officers. I do not know whether you have noticed that. Well, there are not 6,000 officers in the Indian Army proper, unless they meant both the British troops as well as the Indian Army proper, so I do not know how they get the 6,000. But the scheme is not yet before us, and I do not know what that scheme is, but whatever that scheme may be I do appeal to the British delegations that we must express our idea that this time it means business, that the acceleration will be a real one—that is to say, it will be much more than the Skeen Committee's recommendations. Now, that is the idea that I want to bring out. In what language, in what words—that is a matter as to which probably, if you give us time, we may be able to fit it in, but that is the idea, and unless you bring that idea in and if you go and appoint *de novo* another expert committee, we shall go on again. The Skeen Committee worked for 14 months and examined something like 400 to 500 witnesses in India on all these points. It means starting this thing over again, a controversy which will go on ; and I want to point out this to you. I attach the greatest importance to any decision which is arrived at unanimously—I do, very great importance—and I did attach so much importance to it that notwithstanding my very strong opinion in the Skeen Committee I was so anxious for unanimity that I agreed to that scheme of 25 years subject to the revision after 10 years.

What was the result of that unanimity ? We made the Report in 1926, and the Government of India and, if I may say so, the British Government, have not up to the time we met in this Committee accepted the main recommendations of that Committee unanimously. Now you are appealing to me in the same way. You say: let us be unanimous. I attach importance to it. You say: when your expert Committee is sitting the whole question will be left open, and if this Committee is going to make any valuable contribution to a political principle you must Indianise the officer rank in the Indian Army as quickly as possible. Then give an indication of the case in some language which will definitely lay down that we mean that.

Chairman : I know you admire frankness because I am always frank. I do not want to cover up my feelings in any way. If I thought that what you have said reflected the general view of all those attending this Round Table Conference I should despair of the result. What I mean is this, that if you are going to base any conclusions arrived at at this Conference on any past experience of sins of omission or commission then it is hopeless. But I do not think that is so. My answer is that any Committee going into this question with these broad, general declarations so clearly and definitely made would be compelled to arrive at decisions as speedily as if you said either the Skeen Report or any other—

Mr. Jinnah : I am not referring to that. I say this declaration is not a clear indication as to the pace, and I want some words so definite that it will convey to your expert Committee that that was the intention of this Conference. It is not there present. I have no doubt everything will be all right.

Chairman : I feel sure, Mr, Jinnah, that if you were in many other capacities you would say now what I am going to say, that if there was a technical matter which I knew other folks were better able to judge than I, I would only be showing myself as a foolish man by giving instructions to people who knew more about it than I did, always providing they had to give effect to the principle.

Mr. Jinnah : There is nothing technical about this at all.

Chairman : Oh, but there is.

Mr. Jinnah : No, I beg your pardon ; that is where I fundamentally differ. There is nothing technical about this question upon which I am now addressing you. It is a very simple question really.

Chairman : It is both technical and practical.

Mr. Jinnah : No ; do not let us get away from the point. It is neither a technical nor a difficult question ; it is a practical question.

Dr. Moonje : Quite right.

Mr. Jinnah : It is a very practical question. As Counsel would say to a jury you should give expression to your opinion on that point, and that point

is a very simple one. We have, according to your own statement to-day, one hundred and twenty vacancies per year. The Skeen Committee's Report is that we start with twenty vacancies for Indians and gradually go up, and according to that graduated scale it will take twenty-five years to get half the cadre. Now, we hope to get the full cadre as quickly as possible. You should give some expression of opinion which will convey to every man in India, and I entirely endorse the opinion of Dr. Moonje with regard to what he said about India, I am not disputing your *bona fides*, sir, or your sincerity; I do not challenge a single word of what you intend to do. You may intend to do a thing, but express it so that India will know here that we have got something in clear language. I would appeal to my friends there to turn it over in their minds. Let us also think it over. Cannot we find some formula which will convey that idea? Surely we can.

Sir Samuel Hoare : We have the formula in paragraph (*a*), that immediately steps be taken to increase the rate of Indianisation in the Indian Army to make it commensurate with the main object in view. I am prepared to agree to that.

Mr. Jinnah : To increase the rate?

Sir Samuel Hoare : But when it comes to defining what the rate is to be, I am not prepared to agree.

Mr. Jinnah : The present rate is that we have twenty vacancies.

Sir Samuel Hoare : I know that.

Mr. Jinnah : It is open to a Committee to say it is enough to say thirty.

Sir Samuel Hoare : I am not prepared myself to agree to any number. If it is a question of this Committee stating any number then I should have to notify my dissent.

Mr. Jinnah : You did not hear me. I am not saying you should lay down the number. I say if you leave it to a Committee with these words, "increase the rate," the Committee may for their own reasons come to the conclusion that thirty is an increase, or thirty-five is an increase, or forty is an increase. What I want to emphasise is that it must be conveyed to them that there should be a substantial increase.

Chairman : I will undertake to clear that up if that is what you have in mind, because I come back to the point that if words are merely used to camouflage, do not let us bother about it. They are not so used. I will endeavour in the Report leading up to this to state fairly and accurately the discussion that has taken place here. I would again urge upon you for the last time the advantage of having unanimity, because it has been pointed out that this is a matter for the experts.

I understand it is not customary to take a vote. May I take your assent to these resolutions which will form the basis of a Report?

Mr. Jayakar : Before I give my vote, do I understand you to say that the points which I raised will be incorporated in the Report very clearly so that I need not move, as I did in my speech, that there should be a further addition after clause (3) that the two Committees in making, the investigations mentioned in paragraphs (2) (*c*) and (3) should give the fullest consideration to the proposals contained in those two schemes. I wanted to move that as an addition to clause (3), but if it is your suggestion that in your Report you will make this perfectly clear—

Chairman : I said quite clearly that there is no intention to alter the meaning.

Sir Samuel Hoare : Do I understand you are going to give an historical account as a preface to these resolutions?

Chairman : But make these the findings.

Sir Samuel Hoare : Yes. If you do that by all means put in Mr. Jinnah's and Mr. Jayakar's points and anyone else's points, as you think fit, but also put in our point that we do not agree.

Chairman : Exactly; but you see now where you get. I will undertake to give a fair summary pointing out that references were made to these various Reports, but I do submit it is not going to help us if we have to put the points of disagreement when there is almost unanimity existing. But still, I am in your hands. Do you agree then to these general resolutions.?

Mr. Jinnah : I cannot agree.

Chairman : I understood that even the Princes thought that the addition was unnecessary.

Sir Akbar Hydari : No.

Sir Samuel Hoare : If the addition was put into the historical—

Chairman : I will meet your point by a reference to it.

Sir Akbar Hydari : Supposing you added here, "for the requisite standard of efficiency".

Sir Samuel Hoare : I agree entirely with what you say, but I am a little bit reluctant to opening the question of altering the actual resolutions.

Sir Akbar Hydari : I do not mind the way in which it is done.

Chairman : We will make that quite clear.

Sir Tej Bahadur Sapru : I think Sir Akbar Hydari has some fears about the obligations of the Crown towards the States. I do not think we were unmindful of that. I do not think there are any obligations in whatever we are settling here.

Chairman : That is so, I will see that it is quite clear.

Sir Samuel Hoare : I suggest you should say Sir Akbar Hydari raised the point and other members of the Committee accepted this as a question that did not need discussion.

Chairman : I will put it higher than that, that it was raised and I ruled that it was accepted without question.

Sir Akbar Hydari : Thank you.

H.H. The Nawab of Bhopal : I should like to make one suggestion which might help Sir Akbar Hydari. I should like to propose that when the question of the removal of the British troops is being considered by the Committee, in view of the fact that one of the objects for keeping these troops in India is to carry out the Crown's obligation of giving protection to the Indian States, I think it would not be unfair if the Indian States asked that the same Committee might also examine how far it would be possible and how far it would afford the States the necessary protection if these troops when the time comes are replaced by further additions to the Indian States troops paid for out of the Federal funds but kept under the direct command and control of the States as Federal troops. That might accelerate the pace of Indianisation in the sense in which we are using the word "Indianisation".

Chairman : It might do, but you would start a hornets rest round here.

H.H. The Nawab of Bhopal : I am only making the suggestion; I do not raise the point.

Chairman : I understand that point, but I am afraid it would start the whole controversy over again.

I am trying to see how I can fit it in.

(*The sub-Committee adjourned at 6.35 p.m.*).

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE No. VII (DEFENCE) HELD ON 14TH JANUARY, 1931.

Chairman : You will remember that on the broad principle of the resolution submitted there was no substantial disagreement, but various points were raised. The first point took the form even of an amendment to safeguard the position of the Treaty obligations of the Indian States. I intimated that my inability to accept that amendment was because that was taken for granted. You will see that all those points are embodied in the Report, and so far as I could accurately interpret what was discussed, I think you will agree that in the Report itself every point is adequately covered. Therefore I am now going to submit to you that this should be the Report which should ultimately be submitted to the full Conference. That is the matter which is now before you.

Diwan Bahadur Ramachandra Rao : In opening the proceedings of the sub-Committee, you mentioned the question of a military council. Is that to be dealt with at all ?

Chairman : I did mention it, as you say, but the discussion took a general form ; that is to say a wide range, and I gathered that your view—and it must be so in practice—was that there should be a military council. No one could argue against that. Therefore merely to have a discussion that there shall be a military council would be a waste of time. You are quite right and I am accepting that as a general principle. There would be no point in arguing the reasons why there should be a military council. As a matter of fact, I am advised by my Secretary that I had thought of the words " the advisability of establishing a military council including representatives of the Indian States was agreed to ", because there was no disagreement on that and there was no point in arguing something which would be obvious.

Mr. Jinnah : It should be in our Report.

Chairman : Yes, I will see that those words are put in.

Diwan Bahadur Ramachandra Rao : I should like to raise another point, namely, with regard to the future control of the Army in India. Proposals have been made that the Commander-in-Chief should not be in charge of the administration of the Army in the Government of India. Is that a matter to be put in the Report ?

Chairman : I understand and appreciate your point, but I want this Report to be a practical Report on a practical subject. The first question that would arise would be with what are we dealing ? I intimated, and every one agreed, that the ordinary questions of law and order were not involved because that was accepted as something which was outside our province. Therefore it was agreed that we were dealing with the Defence of India. Now, does not it follow from that that you must have someone responsible ? That is obvious ; and that someone dealing with defence must be the Commander-in-Chief whoever he may be. Therefore, whilst I have not said anything about it in the Report, for obvious reasons it follows.

Diwan Bahadur Ramachandra Rao : I should like to know whether the Commander-in-Chief would be a Member of the Government of India in charge of the administration of the Army.

Chairman : Then you raise a different question.

Lord Reading : Yes.

Chairman ; You raise then what I would call for short a purely constitutional question. I do not prejudice that, I express no comment, but that would hardly be a subject for this Committee.

Sir Tej Bahadur Sapru : This question was discussed in the Sankey Committee, and I pointed out that according to the Despatch of the Government of India which has come to the Secretary of State the Commander-in-Chief should no longer be a member of the Executive Council.

Lord Reading : Surely that is not a matter for this Committee.

Sir Tej Bahadur Sapru : No.

Lord Reading : That is a matter for the Sankey Committee.

Chairman : That is the answer. Now, subject to those intimations and the addition of the words I have suggested, do you agree that this Report shall go forward to the Plenary Session as the recommendation of this Committee ?

Lt.-Col. Gidney : Unfortunately I was absent on other Committees when you had your previous meeting. The only point which I desire to raise is this. It seems to me that there is no mention whatever made in this Report of the Navy. At present we have one training ship in India which is answering very well indeed. I think we have nearly 80 boys there and this forms the nucleus of a Mercantile Marine Service, and I think it will eventually be used as the nucleus of a Navy. Might I humbly submit to you the inclusion in your Report of some reference to the need of India training its own Navy, which is really a branch of its defence ? I submit for your consideration that that might be considered in this Report too.

Lord Reading : That is already established.

Chairman : I am quite sure we do not want to raise a controversy as to the development of that Branch. That Branch is doing useful work and nothing in our recommendations will interfere with that. When you specifically mention what, after all, is a minor matter so far as the Navy is concerned, you may raise a controversy on that aspect which there is no need to do. At least, that is my feeling about the matter.

Lord Reading : It is already done.

Chairman . Nothing that we have done, or do, or recommend, will interfere with that.

Lt.-Col. Gidney : Does not that come into defence ?

Chairman : It is there,

Lt.-Col. Gidney : We have no Navy, no nucleus, or anything.

Chairman : I know ; but you know perfectly well that the question of the cost of defence is a very controversial and debatable one, and if you at this stage enter into a controversy as to increasing the cost of defence, I can see a number of folk who would be likely to take part in the discussion on the other side. Nothing we have done has prejudiced the existing situation.

Lord Reading : Yes, it is just as it was before established.

Chairman : Now, that being so, do you agree that I submit this Report on your behalf to the Committee as a whole ?

(Members expressed assent).

Mr. Jinnah : I only want to make one point. I do not want to take up your time ; but with regard to paragraph 4 of the Report, sub-clause 2a, I wish to record my opinion for what it is worth, and I say I am not satisfied with this recommendation unless a clear indication is given as to the pace. As to the rest, I have nothing more to say.

Chairman : I take note of that ; but I would not put it so low as you, Mr. Jinnah, when you say it is your opinion " for what it is worth ". Your opinion is worth a lot ; I take it because it is Mr. Jinnah's opinion. Just as other folk express disagreement on particular points I have noted your particular point. Subject to that are you all agreed ?

Mr. Jayaker : May I say one word ?

Chairman : Yes.

Mr. Jayaker : With reference to Clause 2a, I should like to find out whether the Committee will agree to add one word : " that immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate—". I am aware that the words " to make it commensurate " give an indication of the rapidity of pace ; but I should like to have some more direct statement of that view by the addition, if it is possible to do so by the consent of the whole Committee, after the word " increase " add the word " substantially ".

Sir Tej Bahadur Sapru : I support that suggestion made by Mr. Jayakar ; that would meet the point of view of many people.

Chairman : It is covered by the other safeguards, but if it meets your particular Indian point of view, I do not think there is any objection.

Lord Reading : I have no objection.

H.H. The Maharaja of Bikaner : I think it ought to be put in.

Chairman : I agree to the addition of the word " substantially ".

Mr. Jinnah : I do not withdraw my objection.

Chairman : No, yours is still a substantial objection.

Diwan Bahadur Ramaswami Mudaliyar : I do not know whether it comes within the terms of reference, but we from Madras and other Provinces are very keen that recruitment should be from all classes of India and should not be confined, as it is at present, to classes called the martial classes. You will find that the Report of the Simon Commission has a paragraph on the subject, which puts forward the point of view of Madras as a whole, official and non-official ; they are not satisfied with the treatment accorded to Madrasis as non-martial classes. I do not know whether it should be considered to be a political matter or as a matter affecting the technique of the Army, but I should like to put that forward.

Chairman : I think your point would be covered by the words " having regard to all relevant considerations " I am quite sure your point would be covered by that, because your point would be relevant to the considerations that would govern the Indianisation of the Army ; I think that would be a fair interpretation.

H.H. The Maharaja of Bikaner : And Mr. Mudaliyar's views would be noted too.

Chairman : Obviously ; they are on the Minutes. That being so, I want to thank you, gentlemen, and I will endeavour in accordance with your decision to do my best to get this Report through the Committee as a whole. I thank you for your patience and consideration, and I hope I have not worked you too hard.

H.H. The Maharaja of Bikaner : Mr. Chairman, may I draw the attention of yourself and this Committee to some remarks that I made in the Federal Structure Committee to the effect that the troops of the Indian States would be maintained as now. This does not mean any modification of that ; and that they would still be available as now, for the service of the King and the defence of the country according to the present scheme. That is all I need say. I want to make that clear.

(The proceedings then terminated.)

Sub-Committee No. VII (Defence).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE HELD ON 16TH JANUARY, 1931.

1. The terms of reference of this sub-Committee were as follows :—

"To consider questions of political principle relating to defence, other than strictly constitutional aspects to be considered under heads 6 (Powers of the Executive) and 12 (Relations with the Crown)."

The following Delegates were selected to serve on the sub-Committee :—

Mr. J. H. Thomas (*Chairman*).
Lord Peel.
Sir S. Hoare.
Lord Reading.
Lord Lothian.
H.H. The Maharaja of Alwar.
H.H. The Nawab of Bhopal.
H.H. The Maharaja of Bikaner.
H.H. The Maharaja of Kashmir.
H.H. The Maharaja of Patiala.
Sir Akbar Hydari
Sir Mirza Ismail.
Colonel Haksar.
The Rt. Hon. Srinivasa Sastri.
Sir Tej Bahadur Sapru.
Diwan Bahadur M. Ramachandra Rao.
Diwan Bahadur Ramaswami Mudaliyar.
Sir Phiroze Sethna.
Mr. M. R. Jayakar.
Dr. B. S. Moonje.
Mr. Jadhav.
Sir B. N. Mitra.
Sardar Sahib Ujjal Singh.
Lieut.-Colonel Gidney.
Sir Hubert Carr.
Sir Muhammad Shafi.
Mr. M. A. Jinnah.
Dr. Shafa'at Ahmad Khan.
Nawab Sir Abdul Qaiyum.
Raja Sher Muhammad Khan.

2. The sub-Committee met on the 7th, 9th, 12th, and 14th January, 1931, and have authorised me to present this report.

3. The discussion in the sub-Committee centred mainly round the question of Indianisation, and every aspect of this question received thorough attention. It was unanimously agreed that in a matter of such importance as Defence, the utmost care was necessary in expressing opinions, and the sub-Committee as a whole was very anxious not to create the impression that anyone in any way or to any degree wanted to say anything that could even remotely tend to imperil the safety of the country or to weaken the strength of the Army. It was in view of this general feeling that all sections of the sub-Committee emphasized the importance of maintaining the same standard of efficiency in training as prevails now in England. The sub-Committee also recognised that in dealing with the question of Defence it was not possible to overlook that a factor that must govern all considerations of the subject was the responsibility of the Crown through the Committee of Imperial Defence, which body was ultimately responsible for examining all these problems. It was realised that the responsibility of the Committee of Imperial Defence was not something that was special to India, but was common to the Empire as whole.

Subject to the above matters of agreement, the general discussion regarding Indianisation was on the following lines. The majority of the sub-Committee considered it impossible for practical reasons to lay down any definite rate of Indianisation or anything of a precise character that might in any way embarrass those responsible for Defence and fetter the judgment or the discretion of the military authorities. Those that held this view felt that the principle of the Indianisation of officers of the Indian Army could not be looked upon as merely a question regarding the efficiency of a single officer or group of officers, or even of a single unit or group of units. It was a principle that to the majority appeared to affect the Army as a whole. It was in consequence the view of this large section of the sub-Committee that a highly technical question was involved on which the sub-Committee was not qualified to express an opinion. One section of the sub-Committee, however, was in favour of a strong affirmation to the effect that the complete Indianisation of the officers in the Indian Army should take place within a specified period, subject of course to the requirements of efficiency, and further subject to the provision of suitable candidates for recruitment as officers in India. Those members who were of this opinion held the view that this was not a technical question at all, but involved only practical considerations. The difference in these two views being fundamental, the sub-Committee decided to incorporate these in its report, and the Chairman further undertook that, when, in pursuance of the resolutions of this sub-Committee, expert committees were appointed, those expert committees would as a matter of course take into consideration the proceedings of previous Committees and in particular the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Indian Army of 1922.

4. Subject to the above the sub-Committee arrived at the following definite resolutions :—

(1) The sub-Committee consider that with the development of the new political structure in India, the Defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone.

(2) In order to give practical effect to this principle, they recommend—

(*a*) That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency. (Mr. Jinnah dissented and desired a clear indication of the pace of Indianisation.)

(*b*) That in order to give effect to (*a*) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian State Forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich, and Cranwell.

(*c*) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian (including representatives of Indian States) to work out the details of the establishment of such a college.

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation.

5. A view was expressed that an addition should be made to these resolutions to the effect that the sub-Committee recognised that no action should be taken so as to prejudice in any way the power of the Crown to fulfil military obligations arising out of treaties with particular Indian States. It was ruled, however, and accepted by the sub-Committee that such a specific declaration was unnecessary; the Chairman giving an undertaking that neither this sub-Committee nor any other Committee could in any way abrogate treaty obligations and engagements that were in operation.

6. In agreeing to the foregoing recommendations the sub-Committee were unanimous in their view that the declaration must not be taken as a mere pious expression of opinion, but that immediately the Conference was concluded, steps should be taken to deal effectively with the recommendations made.

7. The advisability of establishing a Military Council including representatives of the Indian States was agreed to.

Signed on behalf of the sub-Committee,

J. H. THOMAS.

ST. JAMES'S PALACE, LONDON,
14th January, 1931.

APPENDIX VIII.

SUB-COMMITTEE No. VII.

(Defence)

MEMORANDUM CIRCULATED TO THE SUB-COMMITTEE BY DIRECTION OF THE CHAIRMAN (MR. J. H. THOMAS).

Numbers.

The total number of officers with the King's Commissions in the Indian Army is at present 3,141. Of these 108 are Indians (69 from Sandhurst, 39 direct).

Composition.

These 3,141 are divided among the various ranks as follows :—Field Marshals, 2 ; Generals, 3 ; Lieutenant-Generals, 4 ; Major Generals, 20 ; Colonels, 94 ; Brevet Colonels, 4 ; Lieutenant-Colonels, 284 ; Majors, 445 ; Captains, 1,833 ; Lieutenants, 356 ; Second Lieutenants, 74 ; Quartermasters, 22. These figures do not of course represent the normal distribution. Owing to over-recruitment during the war and under recruitment after the war there is an excess in Captains and a deficiency in Lieutenants and Second Lieutenants.

The Indian officers are divided as follows :—Brevet Major, 1 ; Captains, 39 ; Lieutenants, 54 ; Second Lieutenants, 14.

Promotion.

Up to Lieutenant-Colonel promotion is on a time-scale, i.e., Lieutenant after 2½ years' service, Captain after 9 years' service, Major after 18 years' service, Lieutenant-Colonel after 26 years' service. Above Lieutenant-Colonel promotion is by vacancy on an authorised establishment. Promotion on the time-scale is not automatic, but dependent on the officer's ability to pass the recognised professional examinations and other tests of efficiency.

Wastage.

In a recent letter from the Government of India the normal annual wastage* has been estimated at 120. The figure of 160 given in the Skeen Committee Report is understood to have been based on evidence given to that Committee by an officer in the War Office which referred to the *British Army*, the conditions in which are substantially different from those in the *Indian Army*, e.g. it contains a larger proportion of junior officers who for various reasons do not continue their Army career. It is regretted that no figures are available which show in accordance with the Maharaja of Bikaner's desire what proportion of this wastage is formed by officers retired on account of inefficiency. It is comparatively small but exists.

* i.e. On the present establishment. On an establishment increased by the substitution for Viceroy's Commissioned Officers of the new type of Indian Officer the wastage would naturally be greater.

SCHEMES OF INDIANISATION.

I.

Government of India's Committee, 1922.

" The Committee have regarded it as axiomatic :—

(*a*) That the efficiency of the Army as an instrument of war must be maintained.

(*b*) That a definite standard of efficiency must be laid down.

(*c*) That the authority to determine this standard of efficiency must be the Commander-in-Chief acting in accordance with the policy of Government.

(*d*) That the military authorities must be the sole judges of the fitness of candidates for commissioned rank.

(*e*) That the military authorities must be the sole judges of the progress in efficiency of Indianised units.

(*f*) That the scheme of Indianisation must be so framed as to ensure that its development shall provide a real and fair test of the fitness of Indians for command in the several ranks and of the fitness of Indianised units for war.

The Committee recommend therefore, that the complete Indianization of all arms and services (excluding Gurkhas for whom special arrangements will be necessary) of the Indian Army be carried out in three definite stages, each of 14 years, commencing from 1925 :—

(*a*) First Period : 1st to 14th year.
(*b*) Second period : 15th to 28th year.
(*c*) Third period : 29th to 42nd year.

This was reconsidered and modified to

(*a*) First period : 1st to 14th year.
(*b*) Second period : 15th to 23rd year.
(*c*) Third period : 24th to 30th year.
i.e., a total of 30 years.

But the Committee felt strongly that they would fail in their duty if they did not record their opinion that it is quite impossible at present to guarantee that it will be possible to provide this very large number of educated, trained and experienced officers in a shorter time than that originally recommended by them, i.e., three periods of 14 years each or 42 years in all.

They recommend that during the first period of fourteen years :—

(*a*) One regiment per group of cavalry, one battalion per group of infantry, and a corresponding proportion of other services be selected for Indianization.

(*b*) The average number of commissions in fighting formations in the Indian Army to be given to Indians in each year should amount to approximately 81—*vide* Appendix I.

(*c*) The establishment of a Cavalry Regiment and Infantry battalion and a Pioneer battalion selected for Indianization be fixed at 28 officers.

(*d*) The establishment of a pack battery selected for Indianization be fixed at 6 officers.

(*e*) The establishment of Engineer units selected for Indianization be fixed as under :—

Headquarters Companies	3 per company.
Field Companies	6 per company.
Field Troops	4 per troop.
Railway Companies	7 per company.
Army Troops Companies	7 per company.

(*f*) The number of officers to be posted to the Quartermaster-General's services be approximately, 148.

(*g*) The number of officers to be posted to the Indian Army Educational Corps be approximately 54.

The officers will be posted to units as follows :—

(*a*) Cavalry, infantry and pioneers : Two Indian officers would enter each such unit yearly displacing one British officer and Indian officer as at present commissioned.

(*b*) Artillery : One Indian officer would enter each battery biennially (every second year) displacing either one British officer or one Indian officer as at present commissioned.

(*c*) Engineer units : Indian officers would enter engineer units as follows :—

(i) Headquarters companies : One officer every fourth year.

(ii) Field companies : One officer every second year.

(iii) Field troops : One officer every third year.

(iv) Railway and Army Troops companies : One officer every second year.

This officer would displace either one British or one Indian officer commissioned as at present.

In this way, after twelve years, all British officers in 7 Cavalry regiments, 20 Infantry battalions, 3 Pioneer battalions, 6 Pack batteries, 1 Headquarters Company, engineers, 6 Field Companies, engineers, 2 Field Troops, engineers, 1 Railway Company, and 1 Army Troops Company undergoing Indianization would have disappeared and such units would be completely officered by Indians.

The Committee further recommend that, with a view to ensuring the necessary supply of militarily qualified officers for the Quartermaster-General's and Educational Services, a number—approximately 16—Indian officers should be appointed annually and posted as supernumeraries one to each of certain selected units undergoing Indianization.

The Committee think that it will be necessary ultimately to post Indian officers to units irrespective of Class, but they are of opinion that the point is not one upon which a definite decision can now be given and that experience gained during the progress of Indianization will alone indicate the course to be followed with a view to reconciling the requirements of military efficiency and possible class feeling.

It is recommended that during the second period the numbers of commissions to be given annually should be increased to approximately 182, and this should provide for the Indianization of the following units :—

Cavalry regiments	7
Infantry battalions	40
Pioneer battalions	3
Pack batteries	6

Engineer units :—

(i) Headquarters companies	2
(ii) Field companies	6
(iii) Field troops	1
(iv) Army troops companies	2

Together with a proportion for the Quartermaster-General's and Educational services, and an allowance for wastage among first period officers.

The remaining units of the Indian Army would be Indianized during the third period—which if justified by experience might be shortened.

The Committee recommend that all ancillary services be Indianized on the same lines as the fighting troops."

APPENDIX I.

(i) Number of Kings' Commissions to be granted, by periods with average number to be granted annually.

(ii) Grand total King's Commissions.

(i) Number of King's Commissions granted during each period :—

	Officers.
(a) First period :—	
(i) Fighting Troops	937
(ii) Q.M.G. Services	148
(iii) I.A. Educational Corps	54
Total	1,139
Average annually	81·4
(b) Second period :—	
(i) Fighting Troops	1,966
(ii) Q.M.G. Services	444
(iii) I.A. Educational Corps	137
Total	2,547
Average annually	182
(c) Third period :—	
(i) Fighting Troops	2,561
(ii) Q.M.G. Services	481
(iii) I.A. Educational Corps	136
Total	3,178
Average annually	227

(ii) Grand Total : King's Commissions :—

(a) First Period	1,139
(b) Second „	2,547
(c) Third „	3,178
Grand Total	6,864

N.B.—Corps of Signals whose numbers are relatively small have not been taken into consideration.

2. The Tank Corps, whose numbers also will probably be small, and which are yet undetermined has not been taken into consideration.

II.

SKEEN COMMITTEE, 1926.

Scheme of Indianization.

" The details of the suggested scheme of Indianisation of the Indian Army are shown in tabular form in the statement appended. The following notes are explanatory of the statement.

1. The normal strength of the cadre of officers of the Indian Army (Cavalry and Infantry units) has been taken as 3,200. The annual wastage in that cadre has, it is understood, never been actuarially calculated, and it has been assumed to be 160, the only figure of authority supplied to the Committee.

2. It is proposed that an increase of 10 vacancies at Sandhurst should be sanctioned immediately. An interval must be allowed in which to advertise the extra vacancies, etc. To permit of an increase in May, 1928, the additional cadets would have to be ready to pass the examination held in September, 1927, and would have to commence their special preparation for the examination at least six months before that. It is therefore postulated that there would be no increase of actual entrants until the September term of 1928, when 10 cadets instead of five should be admitted to Sandhurst, the examination for admission having been held in May, 1928.

3. In 1929 and in successive years, up to and including the year in which the proposed Indian military college is opened (*vide* note 4 following) it is proposed that there should be an increase of four each year, as a temporary measure, in the number of vacancies allotted to Indians at Sandhurst.

4. In 1933, a military college on the lines of Sandhurst should be opened in India. The capacity of the college should in the first instance be 100 cadets, and the course of training three years. A batch of 33 cadets should join the college in 1933 and in each of the two succeeding years.

5. After the opening of the Indian Military College, the number of vacancies allotted annually to Indians at Sandhurst can be reduced to the former figure of 20. Any vacancies at Sandhurst not actually taken up by Indians should be added to the establishment of the Indian Military College.

6. In 1936, the first cadets trained at the Indian Military College receive their commissions.

7. In 1936, the annual intake at the Indian Military College is increased by 12, this making a total of 45 Indian cadets sent for training, exclusive of the 20 Indian cadets sent to Sandhurst.

8. In 1939, and at intervals of three years thereafter, the annual intake at the Indian Military College is further increased, on each occasion by 12. In 1942, the intake rises to 69, giving, with the 20 Indian cadets sent for training at Sandhurst, a total of 89 Indian cadets to be commissioned.

9. In 1944, the Senior Indian King's Commissioned officers now in the Army will be due to be considered for command of regiments. After this stage is passed and, it is assumed, passed successfully, the number of commissions granted to Indians rises above 50 per cent. of the total annual recruitment to the Indian Army.

10. In 1952, more than 50 per cent. of the total officer cadre of the Indian Army consists of Indians.

11. The above figures are subject to a percentage correction on account of inevitable wastage and failure. This cannot be calculated precisely and for the present purpose it is not necessary to attempt to do so ".

Table showing suggested scheme of Indianisation.

Year.	Numbers sent for training.			Numbers Commissioned.			Total Commissioned.	Remarks.
	(a) Sandhurst. (1½ years).	(b) Indian Military College (3 years).	Total.	(a) Sandhurst.	(b) Indian Military College.	Total.		
Already Commissioned ..	—	—	75	—	—	75	75	
Now at Sandhurst.. ..	18*	—	18	—	—	—	—	
1927 February	5 } 10	—	10	7 } 9	—	9	84	
September	5			2				
1928 February	5 } 15	—	15	9 } 14	—	14	98	
September	10			5				
1929 February	10 } 22	—	22	5 } 10	—	10	108	
September	12			5				
1930 February	12 } 26	—	26	10 } 20	—	20	128	
September	14			10				
1931 February	14 } 30	—	30	12 } 24	—	24	152	
September	16			12				
1932 February	16 } 34	—	34	14 } 28	—	28	180	
September	18			14				
1933 February	18 } 38	33	71	16 } 32	—	32	212	Indian Military College opened.
September	20			16				
1934 February	20 } 30	33	63	18 } 36	—	36	248	
September	10			18				
1935 February	10 } 20	33	53	20 } 40	—	40	288	
September	10			20				
1936	20	45	65	20	33	53	341	First batch Commissioned from Indian Military College.
1937..	20	45	65	20	33	53	394	
1938..	20	45	65	20	33	53	447	
1939..	20	57	77	20	45	65	512	
1940..	20	57	77	20	45	65	577	
1941..	20	57	77	20	45	65	642	
1942..	20	69	89	20	57	77	719	Half numbers under Training Indians.
1943..	20	69	89	20	57	77	796	
1944..	20	69	89	20	57	77	873	
1945..	20	81	101	20	69	89	962	Half Numbers Commissioned Indians.
1946..	20	81	101	20	69	89	1,051	
1947..	20	81	101	20	69	89	1,140	
1948..	20	93	113	20	81	101	1,241	
1949..	20	93	113	20	81	101	1,342	
1950..	20	93	113	20	81	101	1,443	
1951..	20	105	125	20	93	113	1,556	
1952..	20	105	125	20	93	113	1,669	Half Total Cadre Indians.
Total	—	—	2,002	—	—	1,669	—	

* Includes 3 Cadets who should have been commissioned by now in the ordinary course, but who were kept back as still requiring further training.

III.

Government decisions following on the Skeen Committee's Report.

Provisional 8 units scheme accompanied by an output of 25 officers a year from Sandhurst. Such an output would, as a matter of fact, eventually provide for 16 units with ancillary departments and staff. (Para. 160 of Government of India's despatch).

IV.

Plan proposed in the Government of India's despatch.

25 unit scheme. The number of 16 would require to be increased to 25 in course of time to absorb an annual output of 33 officers a year from an Indian Sandhurst. (Para. 161 of Government of India's despatch).

Note :—Schemes 1, 3 and 4 provide for the replacement of Viceroy's Commissioned Officers by the new type of Indian Officer.

The Auxiliary Force (India) has an established strength of some 35,000. The Indian Territorial Force has an established strength of some 20,000 including some 800 officers.

SUB-COMMITTEE NO. VIII.

(Services.)

The sub-Committee was constituted as follows :—

Sir W. A. Jowitt (Chairman).
The Marquess of Zetland.
Major the Hon. O. Stanley.
The Marquess of Reading.
Sir Robert Hamilton.
H.H. The Maharaja of Alwar.
H.H. The Maharaja of Nawanagar.
Sir Prabhashankar Pattani.
Rao Bahadur Krishnama Chari.
Sahibzada Sultan Ahmed Khan.
Mr. C. Y. Chintamani.
Sir Provash Chunder Mitter.
Dr. Narendra Nath Law.
Mr. J. N. Basu.
Mr. S. B. Tambe.
Sir Chimanlal Setalvad.
Mr. B. Shiva Rao.
Mr. H. P. Mody.
Sir Cowasji Jehangir.
Sir A. P. Patro.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Maharajadhiraja Kameshwar Singh of Darbhanga.
Raja of Parlakimedi.
Dr. B. R. Ambedkar.
Lieut.-Col. H. A. J. Gidney.
Mr. K. T. Paul.
Sardar Sampuran Singh.
Sir Shah Nawaz Bhutto.
Mr. A. H. Ghuznavi.
Khan Bahadur Hafiz Hidayat Husain.
Mr. Zafrullah Khan.
Dr. Shafa'at Ahmad Khan.
Mr. Fazl-ul-Huq.
Sir Edgar Wood.
Raja Narendra Nath.

with the following terms of reference.

"On the relations of the Services to the new political structures."

(*Note.*—The terms of reference are meant to include such questions as the ratio of British recruitment in the All-India Services, and on the other hand the question reserved in the footnote to para. 4 of the Provincial Sub-Committee's Report, i.e., responsibility for the internal administration of the Police in the Provinces.)

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE NO. VIII (SERVICES), HELD ON 6TH JANUARY, 1931.

Chairman: The terms of reference to this sub-Committee are as follows: The relations of the Services to the new political structures. To that we have a note added: "The terms of reference are meant to include such questions as the ratio of British recruitment in the all-India Services, and, on the other hand, the question reserved in the footnote to paragraph 4 of the Provincial sub-Committee's Report, that is, responsibility for the internal administration of the Police in the Provinces."

My experience is that discussion is much more fruitful if it is focussed on a particular point by the terms of an agenda, but at this morning's meeting we might have a general discussion, particularly with a view to getting the detailed points we have presently to discuss clearly present in our minds.

In considering the Services the first line of demarcation is between All-India Services on the one hand and Services which are not All-India on the other. With regard to the latter—I mean, of course, the Provincial Services and the Central Services—we shall have very little to do. The power of control in respect to these Services is already so full and adequate that I cannot think there will be much difficulty in making such adjustments as may be necessary, save that everybody would desire that such safeguards as exist to-day for the benefit of those in the Services should not be taken away from them.

The main topic will be the All-India Services, of which there are five, and it might be well to consider them separately. There again, we have a broad line of demarcation. First of all we have to consider the position of those who are already in the Services, and secondly, to consider the future. With regard to the persons already in the Services there seems to have been expressed an almost unanimous body of opinion that we must do with regard to these people what is just and what is generous, both because we all desire to do that, and, secondly, because it has been pointed out that it is the wise thing to do. When you are embarking upon a great constitutional reform it is desirable if possible to avoid at the same time great changes in the administrative machine. Therefore, with regard to the question of the existing Services, we shall have to consider what security, safeguards, and satisfaction must be given to the persons now in the Services. I do not regard it as possible for a Committee like this in the limited time in which we have to work to do more than lay down general principles. For instance, we may lay it down that those in the present Services must have their rights duly safeguarded; the actual steps to be taken to safeguard those rights would be a matter to be considered by the authorities hereafter.

With regard to the future the questions fall under certain heads: should recruitment on an All-India basis continue at all? Should there be a European element in the future, and if so, what ratio should be taken? If you consider that it is desirable to retain a European element in the Services, at any rate for a limited time, you will probably all agree that you must get the right type of European element. It is no good unless you get them "out of the top drawer." Therefore you will have to consider what steps must be taken to ensure this. The principle applies not only to the European recruitment, but to the Indian recruitment too; you want to get that "out of the top drawer." You have to take steps to see that you get the best type of men. The success of any democracy obviously depends on a very efficient and honest Civil Service. Whether we can lay down absolute and definite rules I very much doubt. It depends upon the authorities in India, and we should like to hear the views of the University authorities in India and here also, because the candidates will largely come from the Universities. It will be interesting to know what steps they recommend. What securities and safeguards would the young men and their parents require? On all these topics we should content ourselves, I think, with laying down broad generous principles.

I hope, as a result of this morning's discussion, to be able to prepare an agenda for our future meetings. There are two other topics to consider. The first is, in connection with the Services, the setting up of a Public Service Commission, that is to say, not merely with regard to the Centre, as we have it to-day, but with regard to the Provinces. It is thought by some, possibly by many, to be the most efficient way of getting the right sort of people, and, when you have got them, to see that they are free from an undue measure of political influence.

The second question relates to the internal administration of the police.

It seems to me that on these lines we might have a very useful discussion. I invite you this morning to have what I previously called a second reading debate. In particular I should be very glad if you would give me the benefit of your opinions as to the way in which we could most conveniently discuss the points so that at our next meeting I may be prepared to meet you with an agenda.

Mr. Chintamani : The terms of reference of this Committee, although brief, may be said to be very comprehensive. " The relation of the Services to the political structure " is a phrase that includes nearly every question of importance in relation to the Services, namely, recruitment, conditions of service, pensions, etc. I will follow your directions, and as far as possible, endeavour to limit my observations to those Services which at present are recruited on an All-India basis. You said that they were five ; I think they are the Indian Civil Service, the Indian Police Service, the Indian Medical Service, the Indian Forest Service, and the Irrigation Branch of the Public Works Department.

It is a question upon which there has been no complete agreement in the party to which I belong, whether the Services in the future should be recruited on an All-India basis, but the greater mass of opinion has been that the Civil Service and the Police Service should continue to be All-India Services, while the Medical Service, the Forest Service, and the Public Works Irrigation Service need not be so regarded. But on one point there has been complete agreement —agreement approaching absolute unanimity— namely, that even the recruitment of the All-India Services shall be made under the control of the Government of India, and no longer under the control of the Secretary of State for India. It is fatal to the whole scheme of representative and responsible government, on the construction of which we are here engaged, to leave to a distant authority like the Secretary of State who is responsible to the British Parliament the decision in the matter of recruitment of the Services. In the Provinces there have been few handicaps more serious acting against the success of Ministers than the circumstance that the administrative agency to whom they have to function is not an agency in the recruitment of which they have any part or in the control of which they have more than a very minor share. If the Indian Civil Service and the Indian Police are to be recruited, as a good many Indian public men of progressive views hold that they should be, and if that recruitment is to be under the control of the Government of India, and not of the Secretary of State, what are the conditions that it would be prudent and wise for us to impose as a part of the constitution upon the liberty of the Government of India ?

The first point I wish to make is that the Indian Civil Service as we have known it all these years must from the point of view of future recruitment cease to exist. As was stated by a very distinguished member of that Service, Sir Henry Courthope, Chief Commissioner of Assam, the present constitution of the Service is due to historical circumstances. Order had to be evolved out of chaos, and when the lines of future progress had to be laid down, it was considered not merely desirable but essential that there should be a body of highly-trained men in whom nearly all authority in civil administration should be concentrated. Take the post of District Officer, known as Collector in some places, and Deputy-Commissioner in others. This was a functionary in whom was vested authority so nearly despotic that I imagine the Ruling Princes would themselves be content with the exercise of so much authority. Conditions, however, have since changed, and with the development of various departments with their own Heads and the devolution of authority to them, the District Officer has ceased to be the all-absorbing functionary that he was in the beginning. This tendency must continue at accelerated speed.

In the second place we have long asked for complete separation of judicial and executive functions, so that both these functions should no longer be combined in any single officer. One of the first steps taken by the Reformed Legislatures was to pass measures insisting upon the carrying out of this reform, and this was followed by the appointment of Committees in several provinces for effecting this step. However, all their labours have come to nought, as the Government of India, having first promised liberty to Provincial Governments, afterwards interposed an effectual obstacle. I cannot conceive of any reformed Government in the country which would not regard it as one of its first duties to separate judicial and executive functions, and thus create confidence in the public mind that justice in criminal matters was being done.

Various administrative functions that once devolved upon the District Officer have since passed to Heads of Departments, and with this and with the separation of judicial from executive functions which it will be one of the first duties of the new Government to carry out, I am of opinion that a Service like the Indian Civil Service will become an anomaly and an anachronism. What will be needed will be separate judicial and executive services, recruited each in such a manner as may be appropriate to it, the recruitment being by the Government of India. I am assuming that the recruitment for both will be on an All-India basis. If the recruitment of the judicial Services be Provincial instead of All-India, there will be no difficulty in making arrangements accordingly. When you vest in the Government of India the authority to make this recruitment, the next step will be that by Statute you make it impossible for the Government as a whole, and much more so for individual members thereof, to abuse their power by the mere exercise of patronage. The remedy for this evil is the constitution of a Public Services Commission, not as a mere administrative body, subordinate to and amenable to the control of the Executive Government, but as a Statutory body whose rights and responsibilities are defined by the Statute itself. Once the personnel of that Commission is appointed, and they have been told by the Executive Government of their requirements, the Executive Government should cease to have any voice whatsoever, and it should be the duty and authority of that Commission to make recruitment in the manner most conducive to the national interest without regard to any subsidiary considerations.

The same observation holds good with reference to Provincial Public Services Commissions. I mention it here so that I need not refer to it later on. These Commissions should be as completely independent of the Provincial Governments as the All-India Commission should be independent of the Central Executive Government, and there should not be any possibility of the Commissions being swayed, publicly or privately, directly or indirectly, by considerations of the convenience of members of the Executive Government. With regard to adequate treatment of the claims of minorities to posts in the various branches of the public Services, it will also be enjoined upon those Commissions to see that, consistently with the best efficiency that they may lay down, no one section of the people will get anything like monopoly or even predominance in any branch of the public Service, but appointments will be distributed fairly and equitably among all, and not merely fairly and equitably, but with a generous consideration for those minorities which on account of backwardness have hitherto failed to get their proper share. I do not wish that there should be any suspicion in the mind of any minority community that their claims are prejudiced.

In the next place, Sir, we have to consider where these All-India Services should be recruited. I would say that that should be left entirely to the decision of the Government of India. The present Government of India in their Despatch on the Report of the Simon Commission have referred to the recommendations of the Lee Commission with regard to the ratio of Indians and Europeans. I am here to say that I dissent completely and absolutely from the conclusions of the Government of India.

The time has gone by when we may toy with the question of ratios and proportions in the matter of future recruitment, and after this long distance of time we have to satisfy ourselves that progress has been made. When we are here determined to get nothing less than Dominion Status and responsible government for our country, it is an anomaly and will lead to any amount of administrative inconvenience if any restriction whatsoever is placed upon the liberty of the responsible Government of India with regard to the recruitment of the Services. Let it be noted that my observation has absolutely nothing to do with the recruitment of Europeans or Indians. If the Government of India should decide at a given date that the interests of India demand that a certain number of highly qualified Europeans should be appointed, there should be absolutely nothing to prevent them doing so. If in a given situation the Government of India should decide that the recruitment of any Services in a particular area should be only of Europeans and not Indians, they should be at liberty to do so; that liberty should be theirs. There should be no recruitment under the control of an authority outside India, but recruitment should be by the Government of India and in India, of whatever subject of the King the Government of India may choose to recruit.

I hope these observations may remove the apprehension that I am swayed by any prejudice in the view I take. It is due entirely to the constitutional aspect of the question that I take this view, and not because of race prejudice. So far from having that prejudice I am among the huge body of my countrymen who have a profound admiration for the great qualities of the Indian Civil Service, who in the administration of the country in the difficult situations have set up a high standard of devotion to duty, and a capacity to deal with those difficult situations with resourcefulness and a sense of responsibility, which has gone a long way towards levelling up the tone of the Provincial Services. I am glad to think that a stoppage of future recruitment outside India does not mean the loss of the services of this highly-trained and experienced body of men, who will still have many years of service before them, and it is not proposed by even the most radical of Indian politicians that a single act should be done which would affect any one of those Services. I entirely associate myself with you, sir, if I may do so, in your observations with regard not only to the necessity but to the wisdom of doing not mere justice but even of according generous treatment to those already in the Services. We shall have absolutely no objection here—when I say "We," I am sure I speak for all my countrymen, because no one wants any actual injustice to be done—we have absolutely no objection to safeguarding the positions and to producing a confidence in the minds of the Europeans recruited by the Secretary of State that the condition of the Services shall be and will be respected by the future Government of India and the Governments of the various Provinces, with respect to their salaries and other conditions; there should be an absolute safeguard not only of their actual but of their accruing rights—a phrase which has come into vogue in Indian terminology. There should be a clear understanding that that phrase "accruing rights" does not act as a bar to the abolishing of superfluous posts by a future Government of India. I have said this because in recent years the opposition to our proposal for the abolition of certain posts has been met by the argument that when the present men entered the Service they knew of the existence of those posts and probably what their promotion would be and that therefore the abolishing would mean a certain loss for which they should be compensated. This particular argument I absolutely repudiate. In deciding what posts should be set up, what posts should be created and what posts should be abolished, in the discharge of that duty of the Government no question of what is "accruing rights" should be allowed to act as a bar.

Then, sir, speaking of the Police, you have referred to the footnote referring to the internal administration of the Police Department. I am aware that the reference is to the observations made by the Marquess of Zetland in the Committee on the Provincial Constitution. His proposal was that it should be laid down in the Statute that all matters of a departmental nature which at the present time are under the control and final disposal of the Inspector-General of Police and do not go before the Government Council shall continue to be so controlled instead of those powers being usurped by future Ministers. I beg to say that this proposal of the noble Marquess implies a certain distrust, not only of the *bona fides* but of the common sense of future ministers, for which there is no justification and which I entirely repudiate. If you cannot trust future ministers to distinguish between matters of principle and policy on the one side and matters of administrative routine on the other, if you cannot trust them to continue to control the departments, including the Inspectors-General of Police, in the administrative duties which must be finally disposed of by them without reference to the Government Headquarters—involving much delay—if you cannot trust them to do that, then do not trust them at all. Put them on the footing that the Government you are going to establish in India will consist of men who will be endowed with common-sense, with a sense of responsibility and with a regard for the interests of their own country and who may therefore be trusted with the exercise of powers appropriate to members of the Government.

If you do not make that assumption, it is far better that you should say so and send us back home without further delay than that you should appear to be making concessions while at the same time inserting safeguards and reservations which take away altogether from their effectuality. In my opinion it is absolutely unnecessary and utterly undesirable to make a distinction between matters administrative pertaining to the Police Department and matters administrative pertaining to any other Department, and to make provision for the exercise of powers by the Head of the Police Departments when you do not feel that there is any necessity to make similar provision in respect of the Heads of other Departments. In my own mind I have not the slightest doubt that no sensible Indian Minister will seek to do the impossible by depriving Inspectors-General of Police of the powers necessary for temporary discharge and of taking into his own hands duties which would be within the power of any human being to discharge within 24 hours.

That is so far as the internal administration of the police is concerned.

Then, Sir, it is necessary for me to say a word or two about the Indian Medical Service. The condition of that Service is the most anomalous and at the same time to Indians most irritating and insulting. The Indian Medical Service is a very military service, the military service being a very big branch in the Civil Administration. These men, engaged in Civil Medical Administration as Civil Servants in districts are only partially under the control of the Governments which they serve. The anomaly has gone so far that the Government of India have not only laid down a minimum number of Indian Medical Service officers which it shall be the duty of every Provincial Government to keep in the Civil Administration, but it went further and laid down the minimum number of European officers of the Indian Medical Service who must be maintained, and incredible as it may seem to you, Sir, they have gone still further and also specified the particular districts, the particular stations where the officers must be European and shall not be Indian; yet the minister in charge of the

Medical Service has to answer to the Legislative Council day after day in regard to the administration of that Department, and if anything goes wrong he gets the blame, and if anything goes right the credit goes to the other officers. I do not see, in view of the progress the medical service has made in India, a shadow of justification for the continuation of this most anomalous arrangement. We have long pleaded for the complete separation of the Military from the Civil medical service. We have said that the recruitment of the Military medical service shall be partly in England and also partly in India; but the civil recruitment must be exclusively in our own country and the control of the Provincial Government shall be not less complete than their control over any other branch of the Civil Administration. A minister who is given a strictly limited authority in other departments is still more limited in the medical department; he cannot even transfer an officer from one district without the concurrence of the Government of India, and not even the Provincial Government can get at the head of the medical department in its Province an officer of its choosing; it must go to the Government of India and must accept the officer of the Government of India, whatever part of India he may come from. This must come to an end.

In the Public Works Department in 1919 officers of the Buildings and Roads Branch raised less objection to their transfer to the control of the Minister than the Irrigation officers did, the Irrigation officers having been fortunate to remain outside the control of the Legislature and wanting a continuance of that privileged position. The Irrigation officers have stated that in their Branch the qualities of energy and outdoor activity and responsibility and impartiality which are required can only be looked for in Europeans, and this claim has been put forward not only by Europeans but by Anglo-Indians, who when it is useful to them act as if they were Europeans and otherwise claim India as their Motherland. Now, Sir, the Irrigation Branch of Public Works Department stands on practically the same footing as the Buildings and Roads Branch, and both should be recruited on a Provincial basis and entirely under the control of the Provincial Governments. Its recruitment should be entirely on a Provincial basis.

I reiterate what I have said, namely, that the recruitment should be also under the control of statutory Public Services Commissions.

I think I have covered the points dealt with in your remarks, and I venture to think the recommendations of this Committee should proceed more or less upon lines similar to what I ventured to indicate, in order to put forward a scheme which will fit in with the system of responsible government.

Sir A. P. Patro : Sir, you have very rightly divided the subjects into two : First, as regards the Services already in existence, and then for future recruitment.

With regard to the Services now in existence, upon whatever basis they may be so far as the new constitution is concerned, it is agreed on all hands, by all schools of political thought, that their rights and privileges should be strictly and scrupulously maintained by statutory safeguards—their pensions and their privileges—but as has been referred to by the previous speaker, with regard to what is known as " accruing rights," there has been a great deal of controversy on that matter as to what is meant by " accruing rights." Compensation is claimed on behalf of the All-India Services on the basis of loss of " accruing rights," either at the time of retirement or at the time when they retire from the Service before that period. Therefore, the question of " accruing rights " should be carefully considered, and there should be no basis whatever for compensation; but all their rights, namely, the compensation they are entitled to, the privileges, pensions and family pensions, provident fund, everything should be strictly safeguarded by statutory provisions. There is absolutely no doubt whatever on any side about their present rights and privileges being maintained.

Then, Sir, as regards the future recruitment, it may be divided into two parts, namely, provincial recruitment and recruitment on the All-India basis. As regards the provincial recruitment, it should be, practically speaking, a principle that every Government should have its own agency to carry out its own policy, but in working out how it should be carried out what is the process which should be applied in carrying out this principle ? There comes the difficulty in policy, the expedients which should be allowed to be adopted.

Future recruitment should be, in my view, in the case of what are known as the security Services as recommended by the Government of India, and there should be an All-India basis for some time to come. In 1939, when there will be an equal proportion, will be the time to review the whole question of the Services and whether it should continue to be as at present, recruitment by the agency of the Secretary of State, or whether we should have recruitment by the Government of India. By that time, 1939, everything will have been settled and the new machine will have been in working order and it may not be necessary for us to have the full recruitment as we have at present; there will have to be some alteration in the ratios at that time, and it will then give us more breathing time to adjust every part of the machinery of that administration, so that we will be in a better position to adjust the ratios in the proportion of recruitment, if necessary; but it would be a question for the Provincial Governments in 1939 to reconsider the whole subject and say whether it would be on the basis as at present.

With regard to the two other Services, I do not see any reason why they should continue to be on the basis as at present. Immediately the Irrigation Branch of the Public Works Department may cease to be recruited on an All-India basis; but it has more or less been agreed, and the Despatch of the Government of India shows, that with regard to the two security Services we shall have to keep them on an All-India basis, recruited as at present, both in India and in England for a time, and it is only then that it would be possible and practicable to reconsider the whole subject in 1939.

Then, Sir, when we come to the whole of the system of recruitment, whether the conditions should be continued or not, the matter is premature at present, because, as I say, when the Provinces and the Government of India attain their substantial position and status, then we would have to consider whether the European element would be required or not. As has been remarked very rightly by the previous speaker, the door will be still open for recruitment in India and in England. The Government of India will have to consider whether it would continue to be the same or not. The door will not be closed to European recruitment till the Government of India may be in a position to consider the matter. The Public Services Commission will be a different body, certainly must be a different body; I do not want to cast a reflection upon the constitution of the Public Services Commission because they must be above all political considerations.

It should be on a better basis than at present both in regard to the Central Commission and in regard to the Provincial Commissions. There should be a Commission which would be quite independent of all political interference and caste influence. Caste is the bane of India in the Services. Caste leads to all sorts of monopolies. We must get rid of this demon Caste. So far as we are concerned in the Madras Presidency, we are a majority community; nevertheless we have a very poor representation in the Services. My friend has referred to the protection of the minorities, but even the majority community in Southern India requires those safeguards and protections which my friend has so eloquently pleaded for on behalf of the minorities. A majority community, which bears the very heavy burden of taxation, which bears all the brunt of the battle, and which has got all at stake, should be adequately and properly represented in the Services. That such a community should not

be adequately and properly represented in the Services is a great grievance. Therefore we want instructions given to the Public Services Commission that not only the minority communities but also the majority communities should have their interests safeguarded and be properly represented.

A Member: On an efficiency basis ?

Sir A. P. Patro: Certainly. Efficiency should not suffer simply because a particular community wants better recruitment. I insist on a standard of efficiency, to be maintained not only for the minorities but for the majorities. Wherever there are two candidates for a particular place, the merits of those two candidates should be judged properly, and the candidate belonging to an unrepresented community should be given the preference if his merits are better. No unjustice should be done to any particular class or caste or community. Communal justice should be done all round. I am sorry to insist on this question of communal justice, but it is necessary that the truth should be spoken and the real facts faced. It is no use burking the question, or, for the sake of politeness, keeping this matter in the background. This is a time in which we must speak frankly. It is therefore my painful duty to bring this matter to the notice of the sub-Committee, and to say that all requisite safeguards should be provided in any future scheme providing for recruitment.

As to the question of internal Police, and whether the Inspector General should have the right to recruit and control the Service, and as to whether the Minister should not have a voice in the matter, that is a thing which, by convention and by actual practice, would certainly regulate itself. At present the Inspector General of Police has the right of recruiting all subordinate officers for the Police Service. He has also got the control and discipline of the Police Force, subject to the general policy of the Government. The Minister therefore would lay down the policy, and, as usual, the Inspector General would carry out that policy, having a certain amount of freedom in the matter of transfers and recruitment to the subordinate Services. I do not think, therefore, that the point raised by Lord Zetland in the matter of the adjustment and control of the Services in the Provinces or in the Centre has any force.

I agree with a previous speaker that it is necessary that steps should be taken to recruit the best men either in India or in England. As has been remarked by our esteemed Chairman, it is too early for us to enter into the details. The matter of qualifications and so on should be left, as has been suggested, to the local administration, and the Government of India should be consulted. The University authorities also should be consulted. However, these are details which we need not discuss ; but on general principles I say that at present the rights and privileges of the members of the present Services should be safeguarded, and future recruitment of the Security Services, as recommended by the Government of India, should continue to be on the same basis as at present until 1939. Then it should be given over to the Provinces to determine how they would recruit. It will then be obvious, if recruitment be continued, that it should be continued by the Government of India and not by the Secretary of State.

As regards the Indian Medical Service, I agree that in so far as the Military Service is concerned it should be in the hands of the Government of India ; but as regards the Civil Service it is an anomaly ; the privileges claimed are altogether unjustifiable on any ground whatever. The allocation of certain places and localities seems to me a thing which cannot be justified on any principle whatever.

Therefore that matter also requires to be carefully examined.

There is no doubt whatever that, as recommended by the Government of India, the Irrigation and Forestry Services should discontinue to be recruited on an All-India basis. Irrigation must be provincialised, because it is part of the Public Works Department. The Works Branch has been provincialised, and the Education Service, which was previously on an All-India basis, has also been provincialised, as advised by the Lee Commission ; and those two Services have not suffered in any way in efficiency.

We have to go on step by step until ultimately the whole of the Services are under the control of the Government of India and the Provincial Governments. The Provincial Governments must have control of the Services which will carry on their own policy and work. Whatever the theory may be in regard to that, I think the time has not yet come when the two Security Services can be dispensed with immediately, but that they will have to continue until 1939, when the whole question will be reviewed.

Dr. Shafa'at Ahmad Khan: The two previous speakers have already covered the ground and have dealt with most of the points. I should like to deal with the question of what is called the Security Services. As has been pointed out, there are five Services at the present time which are recruited by the Secretary of State for India. Of these five, two are Security Services—the Indian Police and the Civil Service. I agree that for the present we should not decide what ratio should be fixed for Europeans in those two Services for the future. I agree that when the question comes up for decision in 1939 the whole question should be reviewed by a competent and impartial body. I say that because I feel that while we are embarking on a very big project, and introducing responsibility in the Centre, we should be very careful to see that our administration is not entirely dislocated. We are prepared for the fullest form of responsibility which is possible in the present circumstances, but I am not quite sure whether, if simultaneously we introduced far reaching changes in the administration of the country, it would be really practicable and expedient. For this reason I think it would be desirable to postpone the question of the consideration of the ratio of Europeans in these two Services for the present, and to decide this question in 1939, when we will be in a position to see how the new organisation which we are constructing now has worked ; and in the light of the experience we have gained we will be able to formulate positive, definite, and clear-cut principles on which our administration should be based.

As regards the three other Services which have been enumerated—the Forestry Service and the other two Services, I am definitely of the opinion that they should be provincialised. As regards the Forestry Service, there is not one local Government which has advocated the maintenance of the Lee ratio in those two Services. For this reason I believe it is expedient that all these Services should be provincialised, and that the appointments should be made by the Government of India.

I now come to the other point which was discussed by Sir A. P. Patro. He referred, quite rightly I think to the need for the representation of minorities in the Public Services Commission. Majorities too, if necessary. I am in complete agreement with him on this point. I believe that if the claims of minorities in the Public Services are ignored, and if the claims of the majorities also are ignored, we will have a new caste in India—a caste which will I am afraid assume a much worse form than other castes in India. For this reason I am emphatically of the opinion that positive, definite, and emphatic instructions should be issued to the Public Services Commission laying down as a fundamental principle that the claims of minorities in the various departments of the Public Services should be fairly and adequately considered, and that their claims should be implemented.

The Public Services Commission presented a memorandum to the Simon Commission, in which they stated that their decisions in some cases had been overruled by the Government of India, I do not know to what extent that complaint is justified, but this I can say—that if a Public Service Commission is going to be appointed in the Provinces, then that

Public Service Commission should be completely immune from the influences—party, caste, and other influences—which as we know are brought to bear on the highest as well as on the lowest officials on some occasions. It must be laid down that members of the Public Services Commission should not be appointed by the Ministers, but by some independent authority. Moreover, their powers should be ample. They have complained that in many cases their powers have been limited and restricted. I am very strongly of the opinion that the Public Services Commission which is appointed should have powers over the recruitment of the Provincial Services and even, in some cases, over transfers.

The last point to which I would like to refer is that which was raised by Lord Zetland, namely, the question of the control of the Inspector General of Police over the transfer and posting of Police Officers. I have considered the question very carefully, and I have come to the conclusion that if the principle enunciated by Lord Zetland is followed it will not really mean any restriction on the power of the Ministers. The Ministers do not really want to interfere in the minutiae of administration. They do not wish to know why a person is posted to a particular district. They do not wish to know why an Inspector of Police is posted there and another here. They leave all those details, even in the case of transfers, to the heads of the department. If this is the actual practice now, what objection can there be to confirm it not only by usage but also by statute ? If this is done it will lead to stability ; it will create confidence; and it will increase the discipline of the Force. For these reasons I am very strongly of the opinion that the proposal made by Lord Zetland should be considered, and I am inclined to think that when it is considered it will be accepted by this body.

Mr. Basu: At the present moment, as has been stated, there are five Services which are recruited for the Government of India by the Secretary of State in this country. The difficulty I feel in dealing with the matter is this, whether the categories of the different Services will continue to be what they have been in the past, or whether the categories will be readjusted. From our experience of the development of the Government of India in the past, we have found that there have been changes with the lapse of time. For instance, in the forties and fifties of the last century the officer whom Mr. Chintamani has designated as either the Collector or the Deputy-Commissioner of the district was in charge not only of the Civil Administration, the collection of revenue, and so forth, but to some extent he had charge of the public works, he had also charge of the roads, of the public health, and where there were small towns or cities within his district, he looked after the municipal affairs of those localities. But in the seventies and eighties local bodies were established, and a great part of his functions—for example, looking after the roads, the water supply, and so on—were taken out of his hands. As Mr. Chintamani has pointed out, he was not only the Executive Officer, not only the person who was to decide what was to be done on behalf of Government in a particular case, or as to whether certain persons were to be prosecuted or not, but in addition to prosecutor he was also judge. In his capacity as magistrate he tried cases. Since then there has been gradually an increasing appointment of judicial officers, though still to a certain extent as regards criminal cases the jurisdiction of this officer remains. So far as my own province is concerned, the Collector of the district looks after general administration and the collection of revenue. As we get on, the work is bound to be specialised. For instance, in policing a particular district, we have the District Superintendent of Police, and then in Provinces where there are divisions consisting of a group of districts we have an officer on the top of the division known as the Commissioner of the Division. The Collectors ultimately have the prospect of being appointed Commissioner, and if we abolish the Commissioners we shall be abolishing what might be described as a "Post Office" between the Government at headquarters and the District Officers. Owing to the facility of communications, however, such an expensive "Post Office" is becoming unnecessary. Madras has done away with Commissioners, if it ever had them. The other Provinces may do away with Commissioners, and we may have, in view of the stringency of finance, which rendered nugatory whatever good there was in the last reforms, to see their complete abolition. We may have to employ special revenue officers instead of the system which dates from the latter portion of the 18th century. The revenue system now prevailing in British India was laid down in the time of Lord Cornwallis, and to a great extent it is a system which requires some amount of elastic expansion. If we assent to what two previous speakers have said, we must stand quiet and do nothing until 1939 and 1949.

Dr. Shafa'at Ahmad Khan : I did not say 1949.

Mr. Basu : Even if it is 1939 we start with a great handicap. One of the reasons for the failure of the Governments that were brought into existence as a result of the Montagu Reforms was stringency of funds, and one of the ways whereby that stringency can be relieved is the simplification of the administrative machinery. The administrative system of British India in the districts and in the Centre is much more expensive than the administrative system in this country. We have the District Magistrate, the Joint Magistrate, the Assistant Magistrate, the sub-Divisional Magistrate, and so on until you crush the people with the burden of the administrative machinery.

Sir A. P. Patro : All that is Provincial.

Mr. Basu : It may be Provincial, but many of these posts are manned by the men of the Civil Service, so that if we make a general statement "Civil Service," it may mean finance, it may mean Customs, it may mean Secretariat work, it may mean revenue collecting out in the country. Therefore one expects a man who probably in the days of yore might have been in a position to do anything and everything, still to turn his hand to all sorts of tasks although now he is a specialist man with specialised knowledge relating particularly to one department only. You cannot impose service like that on such men and expect them to do anything and everything that is required.

I think, therefore, that there should be no limit of time as regards future recruitment. The Government which will come into being will have to find out where it stands, what its resources are, and what machinery it can use with safety and for the purposes of real development and progress. It is of no use setting up the machinery and saying that it must be maintained, and the people must be kept back for such and such a length of time. That is what was done under the last reforms, and it created a tremendous amount of discontent. In Bengal nearly three-fourths of the revenue was spent in general administration and the police, and although this is the unhealthiest of the Provinces, the people dying like flies, the expenditure of public health is ridiculous proportionately. My friend Sir Provash Mitter was in charge of education for a little while, and did what he could, but I do not think the education got the amount which it ought to have received. The ratio of the illiterate has almost remained the same during the last twenty years. How long will the people stand it ? We talk about readjustment, and then we are proposing to settle machinery upon them to start with which cannot be readjusted. (A Voice: "Retrenchment.") Retrenchment is a means of readjustment of the administration to some extent. But I urge that the question of recruitment by such categories as the Civil Service and the Police cannot continue any further. It has been admitted by previous speakers that so far as the Forest Department is concerned, this should go to the Provinces entirely. They have their own officers to develop their own forests, and each Province should try to develop its own forest resources.

With regard to the Medical Service, the recruitment of the I.M.S., is in its primary nature military, but in India everybody is expected to do everything. The military surgeon is placed in charge of a district, or is given a University Chair, where he will teach midwifery or some special department of medicine. We are coming to a time when things are getting specialised, and a man who specialises in a particular department of medicine should not be kept out because there are certain members of the Services who have to be provided for. The Medical Colleges in India are now very well equipped, and have large hosiptals attached to them. The men trained there are men with a knowledge of local diseases and local conditions. They know what particular kind of disease will have to be dealt with in a particular locality. As regards the Medical Services, therefore, I submit that the Provinces should be left alone. Almost every Province has its own medical college, and has a Civil Medical Department with Civil Surgeons (though called Surgeons they are also Physicians) in charge of districts, and there are district hospitals and dispensaries for distribution of medicine and examination of patients. I think that so far as the Medical Department is concerned, there is no occasion, except in the military Services, to have a centralised Service. For example, a particular locality is known to be bad for cholera ; to this locality will go doctors who have specialised in the treatment and prevention of that disease ; the same is true with regard to malarial fever. Those who have specialised in dealing with that disease should be allocated to that area. The Medical Service, except in the Military Department, should not be centrally recruited, but provincially recruited.

With regard to the police, there is a Provincial Police Department which deals with ordinary crime and criminal investigation, and there are certain departments of the police which are probably inter-Provincial or affecting more than a particular Province—for example, railway police and river police. The Central Government may have a small police department for co-ordinating the administration of the Police Departments in the different Provinces, but as regards the higher Services the Department may be centrally recruited to keep up the standard of the Police Service. We know, unfortunately, from the Report of the Police Commission which sat in 1896 or 1897 that the Police Department does require a little looking after, otherwise it has a tendency to lapse into inefficiency.

So far as the higher Officers of the Department, those controlling the Services are concerned, they may be centrally recruited.

With regard to the fixing of English recruitment and Indian recruitment, I do not think there is any need again for fixing a ratio. So far as the Government which will be brought into being is concerned, for its specialised work it will have to come to England for a great many years for many of its Services. For instance, the Education Department has been provincialised, but several Governments I know have repeatedly asked either the Secretary of State here or the High Commissioner to recruit officers for them. With regard to recruitment in England, I do not think that the recruitment should be done independently by the Secretary of State. Even when the recruitment is in England, it should be by the Government of India, through agencies which that Government may lay down. That is the ordinary rational practice, and there is no reason why that practice should be departed from in this particular case. We require for example persons who have experience in criminal investigation. We ask for a certain number of officers. We ask for some officers who have experience of traffic administration. In fact, only a year or two ago, a Traffic Police Officer from London had to be imported into my own city of Calcutta, where traffic conditions are becoming very crowded. In all these ways it will continue to be necessary for some time to have the assistance of European officers, but the discretion must be with the local men. If you entrust the Legislature there with the responsibility of administration and then tie their hands by giving them the machinery and bidding them proceed with it, allowing them to have no voice in the nature of the recruitment, and requiring them only to accept instructions, you will be starting with a condition of things whereby the responsibility you confer will be largely nullified in actual practice. The man who has to carry on the work of administration, who has to organise and co-ordinate his Department with the other Departments of the State, should have his peculiar needs considered. You should not impose on him a certain service and mechanism which will make it difficult for him to move at all or, if he moves, to move badly.

Therefore I submit that the recruitment should be by the Indian Governments, whether Provincial or Central and where the recruitment is in England it should be by an agent of that Government under conditions to be imposed by that Government.

As regards the safeguards to those who are in the Service, the conditions under which they have entered the Services are clearly laid down in their covenants. There is no Indian who will desire in any way to take away any rights or any privileges that they possess. Those must be continued, if necessary, by statute.

As regards the persons to be employed hereafter, they will be employed under new conditions, and those conditions will govern their services.

As regards fixing the European element, I have already stated that even in that respect there should be no hard and fast rule laid down, because we know that in India there are so many opportunities for training, and you have left in their hands the administration of very large bodies, and it would be a very great grievance to people there if it is said that people from outside are for a good long time to come to have charge of these departments, even though they are able and fit to take charge. It is fitness that should be the aim, and I think the sooner we give effect to that aim of fitness the better.

As regards the Buildings and Road Branch and the Irrigation Department of the Public Works Department, it has been clearly pointed out that in India the roads, for instance, are probably more important, because there are vast tracts of country which have no railway and which can only be reached by means of roads. The roads have been transferred and provincialised. There is no reason why irrigation should continue to be a Central subject.

That is all I have to say.

Sir Chimanlal Setalvad : Mr. Chairman, I wish to be as brief as possible on the various points that arise.

I do not think we need trouble ourselves very much about what are known at present as the Provincial Services ; they will continue Provincial Services and will be recruited by the Provinces as they are being recruited at present. The real question that we have to tackle relates to what are known as the All-India Services, and there we may first put out of the way the position of the present members of the All-India Services. So far as they are concerned, there is no question, I do not think anybody disputes that their rights under the covenants under which they are serving have to be maintained, and any provision that may be necessary for that purpose has to be devised.

The more important question is with regard to future recruitment. In regard to future recruitment, it has been said by some speakers that till 1939 we should not touch the matter at all and that the matter should be left to be reconsidered in that year, which means that till that time in 1939 the recruitment will continue or has to continue on the present basis by the Secretary of State and in the proportions of British and Indian laid down by the Lee Commission. Now, Sir, I emphatically dissent from that position. We are all here insisting upon responsible self-government for India, a Dominion status for India. To my mind it is an entire negation of responsible self-government and Dominion status for India to say that the All-India Services shall be recruited by the Secretary of State for India—not only recruited by him, but that the present system under which he has control should also continue. What would

be said if the Secretary of State for the Dominions were to claim that he would recruit the Services in the Dominions, that he would control their salaries, their transfers? Would that be tolerated for a moment? And if we are going to really have a change in the administration of India, if you really mean to make India self-governing, if you really mean to raise India as a Dominion, then it is absolutely anomalous to vest the recruitment and the control of the Services in the hands of the Secretary of State. It is absolutely inconsistent with the position we are claiming for India. It is an inconsistency which goes to the root of the matter. If India is to have self-government, if India is to be a Dominion, then India must have the power and the right and the duty to recruit its own Services. I am, therefore, strongly of opinion that all future recruitment of the Services should be in the hands of the Government of India. That does not mean that British are not to be recruited. The Government of India will determine its own necessities and the appropriate men required for the various Services, and in its discretion will decide how many British they want, how many Indians they want, and the rest of it, and the recruitment should be, as has been suggested already, through an independent Public Services Commission. But I do maintain, Sir, that all the present restrictions of all kinds, as to the place of recruitment, as to control, should go if India is to have responsible self-government. Those are matters which must be within the discretion and within the decision of the future Government of India and not imposed upon the Government of India by any outside authority like the Secretary of State. I am very clear about that, and some of us hold very strong views about it. Then it is said: Oh, unless you leave the present system untouched at any rate until 1939 you are embarking upon a great constitutional change in India, you will be disturbing or dislocating or disorganising the administrative machine. Those apprehensions are entirely unfounded and they do not take note of the present situation. Then I say that from now all recruitment by the Secretary of State should cease and that the recruitment should entirely be vested in the Government of India or the Public Services Commission. That does not mean that thereby the British element in the Civil Service will disappear. Why, Sir, the present members of the Civil Service, including the newest recruits of last year—which were more than 50 per cent.—the proportion of Indians according to the Lee Commission in the Indian Civil Service is a little over 33 per cent., so you have the remaining 67 per cent. British. Those people will be in India holding their posts, the last recruit of last year will be there 30 years, and the senior officers will be there some 20 years, 10 years, and so on; so taking it on an average for at least another 20 or 25 years the present British element in the Services will be there. Therefore, there will be no such dislocation or sudden removal of the British element at all. If you ceased recruitment now, the effect of fully Indianising the Services would come after 20 years, not now. Therefore there is no apprehension that because of recruitment in the manner I am suggesting therefore the British element in the Services will at once disappear. The British element will be there—and the Indians will continue to be there—certainly for another 20 to 25 years; therefore surely by that time the new constitution of India would have become absolutely stable.

Then, Sir, I have already referred to the question of the control of the Services. It follows, if my suggestion is to be adopted that all recruitment should in future be by the Government of India and not by the Secretary of State, as a corollary it follows that the control of those Services, the discipline, transfer and all sorts of things, should also vest in some authority in India and not in the Secretary of State as at present. When I say that the rights of the present Civil Service people should be maintained I should make it clear that what is to be secured to them is what they are entitled to under their covenant. I would make my point clear, because there is a matter upon which I hold very strong views. At present in six Provinces the Governors are chosen from the Indian Civil Service. To my mind that has to go now and immediately. If the new Constitution is to be introduced into India the Civil Service should be purely a Service in the same way as the Civil Service is in this country: they should no longer be dictators of policy, they should no longer be members of a Government, they should be the machine—a very efficient machine—to carry out the policy of the new Government. They should not be, as I have said, anything more than your Civil Service in this country is. You do not choose a minister from the Civil Service here; you do not choose the Prime Minister from among the members of the Civil Service. Further, when you have under the new Constitution responsible government in the Provinces with all ministers responsible, and government in the Centre as we are asking for, there, again, no doubt with certain reservations of certain departments, the Civil Service man will be at the top of the ladder in the Services. You cannot go and place him in the Governorship above the heads of all his superiors who are there. I put my point on a still higher basis. It is not only that, but I do maintain and have maintained for a long time—and there are many people who will agree with me in that—that the Indian Civil Servant, trained in the traditions of the Service for 30 years, gets such a Service mentality, gets such a narrow view of things, that it is not the right thing to put him at the head of an administration where you do require a broad outlook, where you do require a mentality which you cannot acquire if you are part of a machine working for 30 years. When I say that, Sir, I do not mean to reflect in the least upon the capacity, the reliability, and the efficiency of the Civil Service. I myself have personal experience of their work as a member of the Government in Bombay, and I have nothing but praise for the efficient manner in which the Civil Service discharge their duties, but that is quite a different thing to placing at the head of an administration such a Governor where you have to dictate policy, where you have to take a larger view of things and not the Service point of view, which he can never get out of his mind. It is not his fault, because he has been in that machine and part of that machine for a period of 30 years. Therefore I am very clear myself that we in this Committee should definitely express that opinion that the Governorship should now be recruited entirely from outside the Civil Service. If I may refer to what are called the Governors' Provinces, you have the experience of men in public life in England sent out as Governors. On the whole it has worked very well, and by contrast we always see that the people coming out from here as Governors in the Governors' Provinces have taken a much broader view of things, have always acted much more sympathetically with the people and have been more receptive of public opinion than the civilian Governors have been, and I want that system to be inaugurated in all the Provinces of India. Therefore if that is to be so I want to make it clear that it should not be said with regard to the present members of the Civil Service who are there that because, when they entered, the Governorships were open to members of the Civil Service, therefore they should also continue and the last recruit of last year continues to have that right or that privilege, because it must be remembered that all these posts are what are called selection posts; nobody has a right or claim to any of those higher posts at all. Their right is, under the Covenant, to what is called the time scale, that is, to get their salaries regulated by period: 5 years, 10 years, 20 years, and so on. Those are places to which they are entitled to rise, but beyond that the places are entirely at the discretion of the Government and are what are called the selection grades, in which nobody has a claim or a right. Therefore I want to make that position clear, so far as I am concerned, that while we are quite prepared to guarantee them in such a manner as may give them the most perfect security in their present rights, it must not mean, as has been attempted in various places under the vague term "accruing rights," that

the appointment to these Governorships should also be there for those people who are there now, including the newest recruit of last year. The Governorship stands, as I have said, on a different footing altogether. Sound policy requires that it should no longer have any member of the Indian Civil Service the Governor of any Province.

Then, Sir, a word with regard to the proposal of the Marquess of Zetland which is embodied in the Committee's Report about the Police. I must say with regard to that that I was rather surprised at the argument that my friend Dr. Shafa'at used. He said : Oh, look at what is going on at present, do the ministers ever interfere with the Inspectors of Police, do the ministers ever concern themselves with the posting of subordinate officers, they have always left it to the Inspector-General. If that is so, why do you want to make a provision, why do you show that distrust when your past experience says there is no room for distrust and impose, as is sought to be imposed, a Statutory provision or some provision in the rules of the character mentioned ? If the ministers have in practice, according to Dr. Shafa'at, acted in the right way, they have left matters which should be left to the Inspectors-General entirely to them. Why are you, now that you are having a new Constitution, to go back upon that, to show distrust in him and bind him down to this, that or the other ? Surely the ministers of India might be expected to be men who can be trusted to use their power with commonsense and with discretion, and it has been rightly said that when you are framing a new Constitution if you are not prepared to trust your ministers you had better not do so at all. It is no use inaugurating a new Constitution, taking on self-government, taking on Dominion Status, and then trying to hedge round by all sorts of safeguards the discretion and the power and the authority of the ministers who are to come into existence. Let us be frank about it. Do you really mean to raise India now to real responsible self-government ? Do you really mean to raise her to a Dominion status ? Then you have to take risks. In anything you do you have to take risks. As I have said before on another occasion, when these changes come, we have no illusion about it, mistakes will be made ; it may be efficiency may suffer for a time, but we are prepared to take all those risks, and England should be prepared to take all those risks in handing over the power to India. All the stages in any country have to be gone through The sooner the process is begun the better. It is no use saying, on the one hand, " We want to give responsible government " and then be apprehensive as to what will happen " I must safeguard this, I must safeguard that, I must safeguard the other," which in effect cumulatively renders the grant of self-government a sham and a delusion. Do not do that. Do it in the fullest measure and trust the people to whom you are giving power. You must remember that they are the people who are to be the most affected by any inefficiency in government ; they will suffer more than you will—the English people. Therefore if they are ready to take those risks, if they are ready to administer their own affairs in the manner in which they wish them to be administered, surely it is not for anyone to stand in their way.

Then, Sir, with regard to the Forest and Medical Services, I entirely agree with what has been said that the present position of the Medical Service is absolutely an anachronism and it has to be done away with. The Provinces should be placed in charge of the Medical Services and should have a free hand in the matter. So also with regard to Irrigation and the other Departments.

I will not detain you any longer, but I would repeat that I am very clear personally on the point that all future recruitment and control of the Services by the Secretary of State should cease immediately and now that the whole of the recruitment and the control of the Services should vest hereafter in the Government of India, and that the Services should be recruited by an independent Public Services Commission not to be influenced by any executive, either Central or Provincial. I also entirely agree that the Public Services Commission should in that recruitment give a fair and proper share to every community in the various Services and that no community should be kept out of their proper share in the administration.

Sir Cowasji Jehangir : Sir, I would rather speak on the points as they come up later on, but I cannot help expressing my general agreement with the very lucid speech made by Sir Chimanlal Setalvad. There are one or two points that have not been touched upon ; one is that of recruitment for the Central Government. Up to now the Central Government recruits from the Provinces and there has been a difference of opinion as to what should take place in the future. It has been suggested that the Central Government should recruit for themselves. I do not think that would be possible. I do not know whether there is any difference of opinion in this Committee, but I for one would certainly desire recruitment for the Central Government to continue as it is to-day, that is, they select the best men they can find from the Provinces for the Centre, who in their turn may return to the Provinces with added experience and knowledge. I do not want to enlarge on this subject. There is a good deal of written matter on this point. I will leave it at that.

As so many speakers have already said, the important point is the All-India Services, especially the Civil Service and the Police. I am in complete agreement that they should be recruited by the Government of India through a Central Public Service Commission ; and after what Sir Chimanlal has said as to how illogical it would be to continue recruitment by the Secretary of State under the new conditions that we visualise, I have nothing further to add. All I can say is that we hope to see in the future no more Secretaries of State. If there are to be no more Secretaries of State there can be no more recruitment by the Secretary of State. If we are to come under another Secretary of State who may be at present in existence, and to whom India may be added—Colonial, Dominion, or whatever it is—I do not think India is going to admit the principle of recruitment in that way. Personally I can see no objection to recruitment by the Government of India with a Public Service Commission in the future.

Coming to Irrigation and Forestry, as to Forestry I think it is admitted on all hands now that it should be provincialised. In some Provinces it is already a transferred subject. But as to Irrigation, I regret I must differ from my friend Mr. Chintamani. I think it is one of the most important activities in our country, and especially so in one or two Provinces. Therefore I would prefer to see recruitment for the Irrigation Department as an All-India Service and not a Provincial Service. We will get better men by an All-India recruitment—and we require the very best men we can get for Irrigation. In some Provinces it is a question of life and death. In Sind and Punjab Irrigation plays the most important part of all the departments of Government. Crores of rupees have been invested in irrigation works, some as protective measures. After all, the great problem of famine is tied up with this question of the administration of the Irrigation Department. Therefore, considering it from that point of view, I trust that this sub-Committee will agree that recruitment for the Irrigation Department should be on an All-India basis.

Coming to the question of the Lee Commission's recommendations, I see there is a distinct cleavage of opinion. My friend on my right desires no change to be made until 1939, and he agrees to recruitment by the Secretary of State until that period both for the Police and for the Civil Service. But since we disagree on the question of the method of recruitment, naturally there must be disagreement to the principle he has enunciated. I may point out that one of the principal reasons why we want a reconsideration of the proposals of the Lee Commission is that for the future there will have to be retrenchment. I notice that in this country the question of retrenchment in the Civil Service is by no means discarded. You hear criticisms, and you read

criticisms, even in this country, that your Civil Service is top-heavy, or that some of your posts are quite unnecessary. In India there has always been this criticism. If the Lee Commission's recommendations are to continue to 1939, the reconsideration of the number of posts which we have at present cannot take place until 1939. I am firmly of opinion that there is a great waste of brain power in India. You find the most capable men doing work which could easily be done by very ordinary men, and the excuse is that they are being trained. In some cases this training goes on for 20 years without the man holding a responsible position because the Service is crammed. There are too many seniors. The juniors, who are called juniors, have been in the Service for 15 and 20 years, and are Collectors. You find Assistant Collectors with 15 and 17 years' service. Considering the qualifications of these men, considering that they are really the best men that England can send out to India, surely you do not want us to keep them doing ordinary revenue work for 17 and 18 years. I can understand their doing it for five, four, or three years in order to learn the language, to see the country, and to get acquainted with the customs and, shall I say, the prejudices of the people ; but when it comes to a state of affairs that these men have to be continued in these posts for 15 and 20 years, the waste of money is colossal. Therefore if we do not have the right to reconsider the Lee Commission's proposals, we cannot remedy this state of affairs.

There is no question in my mind of not recruiting Englishmen in the future. I believe we shall require them. I only trust and hope that we shall get them. There has been a considerable amount of criticism in India as to whether we shall get in the future the right type of men. Therefore those who have grave doubts on that very important issue desire that the Lee Commission's recommendations shall continue until 1939 or 1940. I am one of those who believe that when the position settles down Englishmen will find that in India they will have as profitable, as pleasant, and as instructive a time as they have had in the past. I personally believe that with a complete transfer of power, and with a full measure of self-government, the English Indian Civil Servant will be more powerful and more influential than he is to-day, even if he actually does not exercise, or has not the right of exercising, the same powers that he has to-day. A man is not influential because he actually has powers given to him under an Act or by a Statute. He is influential because he makes himself so useful that he is indispensable ; and the man who exercises power relies on him for advice, assistance and guidance. That is what makes a man influential. I firmly believe that the English Indian Civil Servant will continue to play that part even to a greater extent in the future than in the past. But we do not require the same numbers, because there is not the work for them to do. They must come out young. We cannot get the necessary quality unless we get them young. Therefore I am quite prepared to admit that we shall require them in the future—and I will repeat that I trust and hope we shall get them—but I do not desire to have more numbers than we require. I desire that their training should be for a short period only and that they should automatically go to the top of the tree—because we are prepared to pay them well and handsomely.

I now come to the question of the Indian Medical Service, which has caused a considerable amount of irritation in India—an irritation which is not understood in this country because of the unfair treatment which our Indian Medical Officers have received in the past. I am prepared to admit that since the last reforms, during the last 10 years, at least in my province and in my city, the position of the Indians in the profession has considerably improved. In the city of Bombay to-day there are only one or two Indian Medical Service men holding high posts in hospitals, and one of them is an Indian. For the future it has been decided that all these appointments in the hospitals shall go to the local practitioners who hold better degrees and better academic qualifications than the members of the Indian Medical Service. To-day we have got a number of London M.D's. and F.R.C.S's. in Bombay with huge practices —far better practices than any I.M.S. men. Therefore, the position in Bombay has improved. But what is causing the greatest irritation are the orders of the Government of India and the Secretary of State that in certain districts as Civil Surgeons there shall be European Indian Medical Service Officers. The reasons for that are simple. They are known to all my friends here. There may be a small number of Europeans living in a certain area, and they claim to be allowed to have the assistance, in time of illness, of only a European. Therefore, it becomes necessary, there being no private European practitioners, to post a Civil Surgeon—an I.M.S. European. The time has passed when such contentions can be brought forward with any logic or with any reason. I am prepared to admit that for any part of India where there is even a small population of Europeans, the Government shall see that the best qualified Medical officers are provided, especially for Government servants ; but I am not prepared to make any distinction between brown and white colour. I am prepared to allow that in such areas the Indians shall have European qualifications. It is only right that English Government servants in India should claim to have within easy reach an Indian with European qualifications, because in his own country he has available at his door medical advisers with European qualifications.

Mr. Shiva Rao : What do you mean by European qualifications—registered in England ?

Sir Cowasji Jehangir : No—educated in England. There are numbers of Indian medical men doing no work. There are numbers of them wanting a practice —London M.D's. and London F.R.C.S's. I am prepared to make no distinction between brown and white, but I am prepared to say that any district in which there is a certain number of Europeans should have the assistance of a medical officer with European qualifications, and I am in a position to say that Government will be able to get all their requirements from the Indian medical profession. There are numbers of them all over India who would be only too willing to enter Government Service, and who would be able to fulfil all that is required of them. I may point out that in some of our main cities the most important practitioners to-day are Indians, and that Englishmen call them in in preference to European practitioners who are next to their own doors. Why ? Because they are best qualified to serve them. In questions of life and death when you want medical assistance, you do not look at the skin of a man. You look at his qualifications, and whether he is going to get you well. That is the main and only test.

Chairman : Will you start our next meeting by completing your speech ?

(*The sub-Committee adjourned at* 1.5 *p.m.*)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. VIII (SERVICES) HELD ON 7TH JANUARY, 1931.

Chairman : Sir Cowasji was in possession of the Committee. Perhaps he will resume his address.

Sir Cowasji Jehangir : I do not desire to keep the sub-Committee from proceeding on to the details ; I have only two points to make. Mr. Chintamani has referred to the privileges of the Indian Civil Service. I am in complete agreement with what Mr. Chintamani has said, but I would just like to add one word. There is a point on which he did not touch, and that is the question of retirement on proportionate pension. At present there is a limited period during

which Officers can exercise that right. It has been suggested that in the future Officers should be allowed to exercise that right as long as they continue in the Service, that that option should be given to them. It is a privilege which they considerably appreciate. It gives them considerable safety and peace of mind, which is much more important than anything else. They can go on proportionate pension at any time if they find conditions so unsatisfactory as to make it impossible for them conscientiously to continue in the Service. I would be prepared to allow them to exercise that privilege in the future during the whole term of their office. I am against retaining dissatisfied Officers under any circumstances, and if an Officer, an Englishman—I would not extend that privilege to Indians—if a dissatisfied English Officer desires to leave because he is conscientiously not able to continue in his Service, I would not stand in the way of his going, and therefore I would extend that privilege to him.

Sir, the next point I desire to refer to is the special reference made to us in connection with the point raised by Lord Zetland at the Provincial sub-Committee. I am afraid I was not able to follow him very clearly, because the discussion was stopped rather suddenly, as it was decided that the point should be referred to this sub-Committee. I understood him to say that he desired to place some checks of some sort upon the whole Department in Provincial Governments—the Minister in charge—and he referred to the Indian Police Act. Whether he wanted to go further than the Indian Police Act or not I am not able to say; therefore I would like to have an elucidation on that point from Lord Zetland, but I would point out that the relevant sections are 2, 4, especially 7, and 12. In 2, they are empowered to fix all salaries. In 4, the Government are empowered to appoint certain of the higher Officers in the Police—amongst others, District Superintendents and the Assistant District Superintendents. Under Section 7 the appointment of all Police Officers other than those mentioned in Section 4 shall, under such rules as the local Government shall from time to time sanction, rest with the Inspector General, Deputy Inspector General, and Assistant Inspector of Police, who may under such rules at any time dismiss, suspend, or reduce any Police Officer whom they shall think remiss or negligent in the discharge of his duty or unfit for same. Then it specifies certain punishments. Under Section 12 the Inspector General of Police may make rules with the approval of the local Government as he may deem fit for the organisation, classification, and distribution of the Police Force, the places at which the members of the force shall reside, and the particular services to be performed by them, etc., and also make all such other orders and rules relative to the Police Force as he may consider fit.

Well, sir, that gives fair control to Government. I would like to ask Lord Zetland a specific question, whether he desires further checks than the Police Act at present entitles him to enjoy, and if not, has he any apprehensions that this Act will be repealed, and if so, what those apprehensions are? It has been clearly stated by nearly all the Delegates that as far as recruitment is concerned they desire a public Services Commission to be appointed, and if any change is made it can be only made to strengthen this Act rather than to weaken it, and therefore I fail to see where we as a sub-Committee can make any recommendations in this respect.

Sir Robert Hamilton: Mr. Chairman, in my country of Scotland we pay a great respect to the study of logic; therefore I listened with great interest and attention to the remarks of Mr. Chintamani and Sir Chimanlal Setalvad yesterday, but I could not help thinking when I listened to them that although they were perfectly logical in their arguments they were in some respects, if I may venture to say so, a little way distant from the practical difficulties of the case with which we have to deal. After all, human affairs are full of illogicalities; you have only to look at the British Constitution, it is a whole mass of illogicalities, and when it comes to dealing with practical business I am never afraid of being illogical if I can get a scheme that will work. If I may suggest it, what we are concerned with here now is to get a scheme that will work, and not to pay too much tribute to what is logical because it is logical. We have an old saying in this country (it is a very wise one)—that you should not swap horses when you are crossing a stream. We are about to cross a very big river with regard to India, and I am inclined to think that it would be dangerous to do anything that would interfere with the working machine that you have while you are facing the difficulties of crossing that river. I should like, therefore, to offer a remark or two on the general subject of debate.

With regard to recruitment in the future, I, of course, look forward to the time when the United States of India, or whatever title the new India may have, will do their own recruiting for India and will draw from wherever they want the best servants they can have. Nothing but the best is good enough for India, and all India in future of course will have that power. But now we are concerned with the change over at the present time, and it has been admitted on all hands that the Indian Civil Service have rendered great and outstanding service to India in the past. You have at your hand there a splendid machine. Why take any step at this moment to damage the working of that machine when the whole of the energies of India will be devoted to building up the new Constitution? It has been suggested by Sir A. P. Patro and, I think, by Dr. Shafa'at Ahmad Khan that 1939 would be a suitable date on which the question of recruitment might be revised and reconsidered. 1939 is the date that has been taken because it has been mentioned by the Lee Commission. I am not wedded to 1939, it might be at an earlier date, but 1939 has been chosen as a date on which to hang the argument, and I think myself it would be wise to carry on at present with a view to a general revision of the position when 1939 or some such date is reached.

As regards Sir Cowasji's remarks yesterday as to the handicap that would be placed upon India by the expense of carrying on the present system, I must confess I did not quite follow his argument, because I do not see that there is any necessity for filling up posts that are not wanted; surely there is no obligation on anyone to make appointments if the appointments are not wanted.

Mr. Chintamani: That is what he insisted upon.

Sir Robert Hamilton: With reference to the Police, I am glad Lord Zetland is here to-day and will be able to answer the questions that have been specifically put to him, but as I understand his proposal put forward to the Provincial sub-Committee it was to the effect that the discipline and the morale of the Police should be maintained by leaving the great powers which are now in the hands of the Inspector-General. I am afraid we all of us find difficulty when discussing these matters in getting away from the past. I am looking at it from the point of view of the future and how it will be worked by the new India. Sir Chimanlal, I think, argued that it would derogate from the power of ministers if these matters were left in the hands of the Inspector-General of Police. I cannot agree with him. I think it would strengthen the hands of the Ministers who have the use of the Police; it would be one of the chief weapons in their hands for administering law and order, and it would strengthen their hands if these matters were left to the administration of the Inspector-General I look forward to the time when the Inspector-General may be an Indian Officer, not necessarily a British Officer, and surely it will be to the advantage of any Minister who has to use that important force that all these matters of discipline in the Force should be maintained by the Inspector-General in the Force and should not come before them in the Ministry. Of course that is subject to the general control which a Minister must have over the force, but as regards internal discipline I am convinced that it is desirable that that should

be left to the Inspector-General of the Force. There are very great difficulties to be faced and we all know what very great difficulties the Indian police force have to face and with what success it has met them, how the morale of the force has been kept up and maintained in the face of those very great difficulties. To my mind it would be disastrous if any steps should be taken that would damage that when the new Ministers in the new India will have to use that force. Fancy what it would be if the Force broke their hands when they tried to use it. I must strongly suggest to the Committee that we should take no step in our suggestions that will have any effect of that nature.

I do not desire, Mr. Chairman, to go into any of the details which will be dealt with afterwards when we come to them. If I may do so I would venture to suggest again that in considering these matters that we have before us we should look forward to the way that they would be worked in the new India, and keep our eyes as far as we can from the old conditions, which, I hope, are behind us for ever.

Sir Chimanlal Setalvad: I would like to try to clear away a misapprehension under which Sir Robert Hamilton is labouring as regards what I said.

Taking the recruitment of the Services, Sir Robert Hamilton is mistaken in thinking that I or my friend Mr. Chintamani are merely carried away by logical symmetry at all. We as much as Sir Robert Hamilton look at the practical side of the matter. What I said was this. I entirely agree with him that when you have a new constitution put into operation we must not interfere with or damage the machine. I am in perfect agreement with that. What I pointed out was this, that that machine would not in any manner be damaged or interfered with if you stop recruitment now, because, as I pointed out, the present British element in the Civil Service, which amounts to 63 per cent. to-day, will be there for another twenty years to come.

Sir A. P. Patro: Gradually reduced.

Sir Chimanlal Setalvad: It may be gradually reduced; still you will have it in the first ten or fifteen years of the operation of the new Constitution. Therefore you will have the machine exactly as it is to-day in that form working and functioning under the new Constitution. Therefore, there need be no apprehension that if you stop recruitment now the machine would in any way be less efficient than it is to-day, under the new Constitution. All I say is that recruitment should cease now; otherwise if you go on till 1939 you will have many more hundreds of people on your hands, and the day will be far distant when recruitment can be done by the Indian Government themselves. Therefore, I submit that we are not carried away by logic; we have the practical view in mind, and it is because we are practical that we suggest the matter which we are proposing.

Secondly, coming to the police matter, I entirely agree again with Sir Robert Hamilton that the new Minister should have the Police machine undamaged and that nothing should be done which would bring about that result. But we are not in this sub-Committee suggesting that the safeguards that are there at present under the Police Act should be removed. We are not recommending their abrogation. What I am insisting upon is this sub-Committee or the Conference not laying down any restrictions. At present the Constitution is there but why do we apprehend that the Minister who would come into power or the Government that would come into power would straight away go and abrogate this Police Act or the safeguards that are there? Why assume that? It will be in the interests of the new Government that the Ministers should continue to keep alive the provisions that are there under the Police Act. Why do we apprehend that they would do something quite contrary to that, something which would hamper themselves, as has been pointed out by Sir Robert Hamilton? There is no disagreement between him and me as to the desirability of vesting the internal discipline of the Force as it is at present in the Inspector General. The only difference between him and me is this. I say: leave matters as they are; there is no reason to apprehend that the new Minister of the new Government would straight away go and do something which would be undesirable in their own interests. What Sir Robert Hamilton proposes is that here and now we should put restrictions on the powers of the Ministers, that we should tell them not to do this, tell them not to do that, tell them not to do the other. What I say is: Trust them to do the right thing and they will do the right thing.

Chairman: You will see in the heads of discussion one of the numbers is " the internal administration of the Police ". That is a subject which really stands by itself. I rather venture to think we shall get nearer in understanding the point if we defer the discussion of that topic till then.

Raja Narendra Nath: Sir, I should like at this stage to make a few general remarks and to add to them if necessary when we discuss the agenda under each head.

There appears to be agreement in the sub-Committee on two points: first of all that the interests and rights of existing members of the Services should be amply safeguarded; secondly, that there ought to be an All-India Service for certain Branches of administration.

Some remarks have been made with regard to the necessity of economising expenditure on public administration. It has been generally observed that the administration of India is too heavy. I am in favour of effecting economy; at the same time we should not go too far. In the first place, the efficiency of the Service has to be borne in mind, and whilst determining the conditions connected with it we should not lose sight of the economic conditions prevailing in the country and the standard of education which we expect from our future public service.

If in our country the ablest men in a profession make a very large income we cannot afford to give very small salaries to our public servants who will be entrusted with duties of a very delicate character. We must put them above temptation.

The question of the European element in the Services has come up for discussion, and although I find that there is a specific head in the agenda which deals with it I should like to offer a few remarks. As Sir Robert Hamilton observed, we should not be bound by dates. It seems to me that each Province should be given power to determine the proportion of British element in each branch of service. A suggestion to that effect was made by the Indian Central Committee, and that suggestion merits a careful consideration by this sub-Committee. The suggestion was that each Provincial Council should determine the proportion of the British element in each kind of Service. I would restrict that suggestion in another way. I should like a Committee to be appointed by each Provincial Council, consisting of a few elected members of the Council and some nominated members selected from each branch of the Service the recruitment of which is in question. That Committee, presided over by the Governor, should determine for each Province the proportion of British element in each kind of Service required, and such fixing of proportion should be made periodically. The conditions in each Province vary; a larger number of British servants might be required in one Province than in another, and therefore it is hard for us to lay down any specific rule. As soon as the new Constitution comes into force the Committees should determine, each for its own Province, the proportion of British element required with due regard to the conditions in that Province.

A suggestion was made by one of the speakers that the British element in the Services should continue to be recruited, but not necessarily should be recruited out of India. I think that if the British element in the Services is to be maintained we must certainly have the best kind of European available. Europeans

domiciled in India or Anglo-Indians, whenever they require higher education for their youth, send them to England. Therefore, as we need the British element in the Service, the recruitment for it will have to be made in England. It all depends what agency will control that recruitment. It may be the High Commissioner if not the Secretary of State, but if the recruitment of British Officers is continued it should be made from the best class of British Officers available.

Some remarks were made in this sub-Committee with regard to public men from public life in England functioning as Governors of Provinces as compared with members of the I.C.S. There is a general opinion among my countrymen that men taken from the public life of England prove more responsive to the public opinion of India, but I am not quite certain whether that view is correct. There again the circumstances of each Province differ. If the Governors who are stationed in the large cities, like Calcutta or Madras, are more responsive to Indian opinion, it may be due to the fact that public opinion there is better organised, more vocal, more forcible than elsewhere. The necessity of appointing a Public Service Commission has been mentioned by many speakers, and I fully approve of the various arguments advanced by them. I realise that the Public Service Commission should consist of men of independence, that in the Provinces the members should be appointed by the Government of India, and in the case of the Public Service Commission regulating the All-India or Central Services, the appointments should be made by some higher authority. But I would also lay down specific instructions in the Constitution as to the way in which recruitment should be made. Mr. Chintamani said that ample provision should be made for the accommodation of minorities. I would suggest that a certain proportion should be reserved for redressing communal, race, or class, or caste inequalities. If, for example, in Madras the appointments made purely on merit are absorbed by Brahmans, who are in a minority, the reservation should benefit the non-Brahmans. I should like to have certain principles embodied in the Constitution on which the Public Service Commission should proceed. I am afraid that in the Provincial Public Services considerations of political expediency might sometimes prevail, and therefore I want some amplification of the present Section 96. The reservation I propose should be made and continued until all classes are able to attain an equality of status and education. In one Province that kind of reservation would benefit the majority. It might be that in the Punjab, appointments made strictly on merit would be absorbed altogether by Hindus. But I would not leave the matter simply in the general way that Sir Chimanlal Setalvad proposes that the claims of all communities should be satisfied. I think that is too vague. I would like to give some specific directions, and in this agenda I should like to add somewhere another item, namely, the elucidation of the principles on which the Public Services Commission in each Province and for the whole of India should make the appointments.

Chairman : That is why I worded Section 7 of the agenda, " recommendations in relation to a Public Service Commission " in such a general way. Any such recommendations would be in order under that heading.

Sir Edgar Wood : Sir Robert Hamilton has dealt with one aspect of the subject upon which I intended to speak, but now it is necessary for me only to make a few remarks. It is about this suggestion to have another Commission appointed to enquire into the question of the Indianisation of the Services. I take it that without another Commission it would be very difficult to make any alteration. I make the same plea as Sir Robert Hamilton made, that the control is changing, so why change all the machinery at the same time? We have to remember that at this stage it is a little premature to commit the country to something fresh before the requirements of the new Constitution are known. Do let us realise our responsibilities here and work for safety. We are not communists to pull down everything at the same time in the hope that we may be able to build up something better.

Another point is that we must not forget, as one speaker said, that there are provisions at present for the Services. I refer particularly to the Indian Civil Service. The Lee Commission lays down provisions whereby in 1939 there will be a fifty-fifty basis of Indians and Europeans. The Government have accepted the provisions of that Commission, and the Services have accepted them. I submit with all due deference to my legal friends here that in justice and fairness to that Service it would not be right before 1939 to change those conditions—that is to say, it would not be right to make those conditions different in 1939 from what has been provided in the Lee Commission, because those conditions have been accepted by both sides. Any change made to-day would be, I take it, with the object of altering that fifty-fifty basis. By all means have the Commission before that date, but I submit that it would not be regular to bring in an alteration which would affect that fifty-fifty basis in 1939. It would be changing the conditions of the Service for those who are in it to-day, and who have accepted those conditions. This is a matter which we have to consider when dealing with this question of the I.C.S. and the other Services. In a similar matter I have had to deal with a large institution in India where it was contemplated to alter the conditions of service, and we were advised on the highest authority that we must be careful not to change the conditions of the Service, that to do so would be *ultra vires*. But in any case, as Sir Robert Hamilton has pointed out, there is going to be a transition period. Do let us avoid confusion and have stability at any rate during that transition period. Nothing will make more for instability than to have the conditions of service come under consideration during that period.

There is another subject I wish to refer to, one which was raised by Lord Zetland in the Provincial sub-Committee, namely the question of Provincial Governors drawn from the I.C.S. Some of the speakers in that sub-Committee were in favour, but I think the majority were against. I quite agree that there is an official mentality which is apt to be a cause of friction and irritation to non-officials. It is apt to be very marked in the Indian Civil Service. No one knows it better than commercial men, and especially in the past it was very marked indeed. But that attitude, I submit, is changing and has changed very considerably indeed. One can now look to a larger proportion of officials who have a wide non-official outlook than was the case even five years ago. Very fine tributes have been paid in this Conference to members of the Civil Service. Sir Chimanlal himself, who is against this proposal, speaks highly of their capacity, their reliability, and their efficiency. One speaker in the Provincial sub-Committee said, " I do not recall a single member to whom I would not take off my hat for his conscientiousness and extreme solicitude for the welfare of India." What finer testimonial can any possible aspirant for a Governorship have ?

Chairman : I am a little doubtful whether we are not getting beyond the terms of reference. This is a border-line question, and I am told that it has formed the subject matter of discussion before the Provincial and Federal sub-Committees. We do not want to entrench upon their ground. I hope that any reference to it at this stage will be of the most general nature. I suggest that we leave the matter over in order that I may ascertain what is the view of the Federal sub-Committee.

Sir Chimanlal Setalvad : It is a border-line question, but it comes very appropriately before us.

Chairman : I do not mind stretching our terms of reference and discussing it so long as the references are quite general and brief.

Mr. Chintamani : In making your enquiry of the Federal sub-Committee I would suggest that you bring forward the question of whether our own reference includes members of the Provincial Governments as well as officers of those Governments.

Lord Zetland : In the Provincial sub-Committee the question of the desirability of members of the I.C.S. being eligible for Governorship of Provinces was discussed, and a definite recommendation was made under that heading in the Report of the sub-Committee.

Sir A. P. Patro : That is so.

Chairman : Let us leave it over now if we may. I will ascertain what course we should take about it.

Sir Edgar Wood : The next point is the Police. It has been said that it is not necessary to provide for the recruitment, and discipline. I have no doubt that Lord Zetland will reply to this much more fully than I need do, and I do not propose, therefore, to go into a great deal of detail. We have to remember the present position of the Police. They are underpaid, they are badly housed, and they are unpopular very largely because they are underpaid. If we could now put down an additional five crores of rupees for the Police I would not have very much anxiety about the transfer. I say that then there would be no question of the Police Service being an unpopular one, and there would be co-operation throughout. The position is that there is growing discontent and the position is dangerous. That is a definite fact. Once the Police go we shall have communism and absolute chaos. One speaker asks why do we expect that there will be any political interference which might affect the morale of the Police ? We do not expect it, but I submit that we would not be true to our obligations if we omitted to provide against it. A man who insures his life for the benefit of his children in case he dies does not expect to die. He does it because he may die ; he provides against the contingency. I am quite sure that it is agreed, even by my friends Mr. Chintamani and Sir Chimanlal Setalvad, that the Police should be removed from the influence of party politics. Sir A. P. Patro has said so. They are removed at present by the provisions in the Police Act, and it is in my opinion essential that the Police should know at this stage that the *status quo* is going to be maintained. Do not let them continue with this feeling that the *status quo* may not be maintained, and that therefore the Service is going to be a very difficult one. If those gentlemen who are present here to-day were going to form the new Legislatures, I think that one could say : leave it to them and the Police Act will be continued ; but who is going into the new Legislatures ? I should like to know that very much indeed. Nobody knows, and everybody is very much afraid. It is our duty to provide a sound Constitution, and law and order is a vital part of that Constitution. I would go a step further than the Police Act. I would fix the Police grant, and have the alterations in the grant votable every year. That may not commend itself, but I think that I am correct in saying that it is done in this country. Then, if people are afraid of the I.G., I would have a central grant in aid as they have in Great Britain, which would give the right to a central body of inspection and to see that there is general efficiency. That would be some sort of control over the I.G. There is not the slightest objection in the Service to an Indian minister. The Police have told me so, and they keep on telling me so. There are some of them at home at present. There is also no objection to recruitment through the High Commissioner instead of through the Secretary of State ; they do not mind that at all, and a great many of them would welcome it. There is no objection to provincialisation of the Police Services. The great point for safety, in my opinion, is to raise their pay, and we have not got the money at present to do it. What I have suggested with regard to the grant in aid is largely following the British model, and it is acknowledged by everybody, I think, that the British Police is the best in the world. In the County Constabulary the Chief Constable appoints, promotes, and dismisses. In the Metropolitan Police the Commissioner has these powers. I submit that this Committee might do well to concentrate for the purposes of the Police in Calcutta on the Metropolitan Police constitution here. It seems to me that that is definitely very suitable for Calcutta conditions. I do hope, at any rate, that if these other conditions with regard to the Police are not appreciated, the *status quo* with regard to the I.G. will be definitely provided for.

Khan Bahadur Hafiz Hidayat Husain : I want to make a few observations on the statements made by Sir Robert Hamilton and by the last speaker. I entirely appreciate what Sir Robert Hamilton says with regard to the powers of the Inspector General and the maintenance of the *status quo*. I fully agree that the Inspector General should be vested with very large powers for the Police administration. He would also have knowledge, full and complete, of the material from which he should recruit for his services. I find very considerable difficulty, however, in agreeing with him with regard to the recruitment, the enlistment, and the maintenance of the Indian Civil Service. The great objection, which to my mind seems to be insuperable, is that if we are going to have provincial autonomy, and if every subject is going to be transferred to the administration of the Legislative Council, the retention of the I.C.S. and the I.P.S. is, to my mind, fraught with considerable difficulties and inconveniences. I am not going to deal with those Services which we are all agreed should be transferred. If we are going to retain the I.C.S., what is the position ? I am not quite sure what one of the previous speakers meant when he said that there ought to be no change in the conditions. Of course we do not contemplate any change in the conditions of the Services now, but if we are going to have the machinery in full working order in the Provinces, I do not see how we can accept Sir A. P. Patro's recommendation that all this should be postponed until the year 1939. Even now we know that there will be difficulties with regard to the administration of the Indian Services. We should not therefore, make those difficulties any greater. So far there are three safeguards for the maintenance of the Indian Services. Firstly, a member of the I.P.S. or of the I.C.S. has an option to retire if he does not like his subject being placed under the control of the new body. I am not prepared to agree with the gentleman who said that the man should have liberty at all times to resign from the Service. My idea is that they should make up their minds as soon as possible. The period is one year, and I would extend it to two years. If they are to resign from the Services, I don't think that that will impair the efficiency of the Services. I think, therefore, that a man should make up his mind in the course of two years if he is going to resign. Now the Governor is charged with the reservation of the rights of the I.C.S. The salaries and pensions of the members of the I.C.S. should not be voted by chance. I am prepared to agree to this, but, further than that, we should not place impediments or obstructions in the working of the provincial administration. The point which is lurking behind the proposition here is that the efficiency of the Services will be imperilled. I am prepared to agree so far that under the conditions obtaining in India at present we want, and we shall probably want for some years to come, a large leaven of European elements. I am prepared to agree so far, but there should be no bar to Europeans entering the Services if the proposals that I am going to make should be accepted. What I propose to do is to divide the Services into two classes, A class and B class. The Europeans shall be entitled to enter into the A class, and of course I will do everything to pay them well. The Provincial Services might be put into the B class. Of course you get Indians of the highest intellectual order who can carry out administration efficiently, and probably as equally efficiently as Europeans. I am reminded, as I am speaking now, of the memorandum which was prepared by the President of the Public Services Commission. He

went so far as to say that he had known cases in which Indians had failed in the I.P.S., but the same people had passed in the I.C.S. Therefore you cannot say that the Indians who compete for the I.P.S. will be of a lower standard of intelligence than those who compete for the I.C.S. I say that if we divide our Services into the A class and the B class, and put the Europeans into the A class, this objection will be removed. A great deal has been said with regard to the proportion of Europeans. I have said that I consider that a leaven of Europeans is necessary at the present moment for the maintenance of the efficiency of our Services, but if the competition is to be continued in our Services I still see no reason why there should be any definite proportion with regard to the maintenance of European elements. The Europeans and the Indians will compete together. Those who pass will come in, and those who fail will go out. Therefore, to my mind there seems to be no reason why a very great leaven or a definite proportion of Europeans should be kept.

I will come to the last point which I wish to urge. In certain Provinces a constitutional convention has been set up, sanctified by the resolutions of the Government, that a certain proportion of the Provincial Services is kept for certain communities. For instance, in the United Provinces the Muslims are entitled to one-third of the Services. I very respectfully maintain, Sir, that these proportions, which are the order of the day, should be maintained. Of course I do not say that any community should be taken with or without qualifications. I say that subject to the necessary qualifications, as has been the practice, this preference should not be deviated from. Otherwise there would be heartburning in those provinces where a convention has been set up under which a certain percentage has been given to the minority communities. I do not know whether this question could not be better settled in the Minorities sub-Committee. On the question of Services, I am bound to bring the proposition before this sub-Committee, that this proportion shall be retained.

Mr. Mody : There has been general agreement on the question of the position of the members of the Service who are in that Service at the present moment. The assurance which has been conveyed by everybody that their pay and pensions will not be prejudiced in any way, ought to prove completely satisfactory. If, in spite of that, there are members of the Service who do not find the Service pleasant enough or profitable enough for them, then there is the option. We can state a period of time in which they can exercise that option and retire upon a proportionate pension. I am rather sorry that on the other question, namely, the point of time when the recruitment and control of the Services should be transferred to the Government of India, there has not been complete agreement amongst ourselves. I support the view that that control should come to the new Government of India at the earliest possible moment. I am not supporting that merely because it is logical, as Sir Robert Hamilton would imagine. I say that it would be most injudicious for the new Government of India to be tied down to arrangements which were made under entirely different conditions. After all, you are conceding enormous powers to the new Government of India. If India is fit enough for those powers the question of the Services ought not to be beyond their province. I do not propose to cover the same ground as that covered by previous speakers. My only excuse for intervention in this general discussion is that I want to put my own definite point of view. I think that it will be absolutely necessary for the Government of India which is going to come into existence, not only to reorganise the Services, but entirely to change the conditions of service. India simply cannot afford to let things exist as they are at present. Everybody is agreed, and I think that that agreement must be very gratifying to the members of the Service, that they have done very great and meritorious services to India, and that they are an exceedingly efficient, honest, and devoted body of people, but, Sir, it cannot be gainsaid that under the conditions under which that Service came into existence, we are maintaining a very expensive Service, which I think is not maintained by any other country. In England the scale for the permanent officials is nothing like the scale which obtains in India. While it is not proposed to rob any man who is in the Service at the present moment of the privileges and emoluments which are due to him, I think it would be fair that new conditions of service should be laid down for the future. After all the scale of cilvilisation that obtains in India at the present moment is of a primitive character. Our social services, if India is to come into line with Western countries, will have to be on a much more advanced scale than obtains at the present moment. I believe that I am right in saying that in the last 15 years the cost of Services in England has gone up by 300 per cent. I should not be surprised if it went up by a larger amount in India in the next 15 or 20 years, because it is not possible for India to achieve self-government and to achieve Dominion Status and at the same time to maintain her social services at the very low scale on which they are at the present moment.

Well, if they are enlarged what happens ? You will want a whole army of officials to maintain these Services ; you will want to increase the strength of the Services very considerably. Can India afford to have an Indian Civil Service on the scale which obtains at the present moment if its strength is going to be largely increased ? Everyone knows that the failure of dyarchy was very largely because the Ministers who were in charge of the transferred departments had not the money to spend upon essential national requirements, and the same position in a much more aggravated form will confront the India of to-morrow if we have to advance in line with other nations of the West and we have to greatly increase our social and other services. I feel, therefore, that it is all important that at the earliest possible moment the recruitment and control of the Services should pass to the Government of India and that the Government of India ought to appoint a Committee or Commission straight away, or at the earliest possible moment, and find out on what new terms the Services can be recruited in the future. If you do not do that and if you maintain the same scale of emoluments, I say that the experiment of self-government in India will fail disastrously ; either India will stagnate or she will have to have a greater extension of all these Services, but on a scale which she can afford. I do not know whether in any of the terms of reference it will be permissible to press for this point of view, but I feel very strongly that it is a point of view which ought not to be lost sight of in any consideration of the position of the Services in future.

Lieut.-Colonel Gidney : Sir, although the subject vitally concerns the community I represent, my remarks will be very few. Briefly, I agree entirely with what Sir Robert Hamilton has said that we should not swap horses in midstream. I join with others in the praise of these Services, and I would like to add that this sub-Committee should make a specific statement or recommendation that not only their pensions but also their provident funds should be assured to the present members of the Services, and that this should be restated in specific terms ; I refer to the terms of the Montagu Report of the 9th February, 1922.

Sir, I will defer my remarks on the Medical Services, of which I have the honour to be a member, when we come to that part of our terms of reference. There is, however, only one point I wish now to stress in a few words to this sub-Committee, and I do so in all humility and sincerity. I am sorry, Sir, that the economic protection of the Anglo-Indian Community in the new Constitution does not find a place in your agenda. Possibly it may surprise some Delegates to hear me make this statement, but I do so fortified with the reports of both the Simon Commission and the recent Government of India Despatch. If you will allow me, I will briefly refer to paragraph 340, page 298 of the Simon Commission report, which makes

this recommendation : " We have one observation to make in regard to recruitment by the Central Government. In our first volume we have described the peculiar position of the Anglo-Indian community and its economic difficulties. Its dependence upon employment under the Central Government is due not only to its aptitude and capacity but to the policy of the Government in the past. We suggest, therefore, that some special consideration should be shown to the community in recruiting for the Central Services with which it has a traditional connexion."

Let me refer to the Government of India Despatch. Here we find a specific recommendation by the Government of India that the economic future of the Anglo-Indian Community should be placed under the protection of Parliament as a special obligation, this recommendation means that the position is so serious for us that the Government of India are unable to afford us any protection as Statutory natives of India and therefore they ask that we be placed as a special responsibility to Parliament. My one reason for mentioning this is to obtain if it is possible, some statement from this sub-Committee in support of these recommendations. Sir, I am one who believes and hopes sincerely that the time is not far distant when India will be able to supply from her own people and institutions every servant it needs from the highest to the lowest, and there will be no need or demand to travel 7,000 miles to Europe for training before one can secure employment in his own country. I was very sorry and pained to hear what my friend Mr. Chintamani said in his speech when he charged the Anglo-Indian community with seeking a status of European and Indian to suit its own convenience. I wish Mr. Chintamani had not sat so long in an editorial chair and would, if he could place himself in my position. I would than ask him what attitude would he adopt to protect his community from economic disaster as to-day faces the Anglo-Indian Community ? It is my lot to fight for my Community, surely he will allow me the privilege of fighting for them in the best way I can. Our perilous position to-day is the creation of the Government ; it is a creation which has been imposed on us and which we have always resented. I refer to our anomalous status. For social purposes we are called Anglo-Indians ; for defence purposes we are called Europeans, British subjects ; and for economic purposes we are called natives of India. I regret this extraordinary status has been imposed upon us. Sir John Simon said that our community was between two stools, and stood in danger of being crushed out of existence by the process of Indianisation. It is to protect our economic condition and save us from extinction that I make a fervent appeal to this sub-Committee on behalf of a body of loyal subjects who have worked faithfully and loyally for India in the past and who are willing to work in the same way in the future. It cannot be denied that we have rendered great services to India but the process of Indianisation has seriously affected us within the past decade : whereas in 1921 there were scarcely one thousand unemployed Anglo-Indians, after ten years of the operation of the Reforms there are to-day fourteen thousand unemployed, or one-third of the community. Is this to be our reward for our services to our Country and Empire ? I ask this sub-Committee to make special reference in its report to the future economic protection of the Anglo-Indian community, not because I wish to continue living a life of communal isolation which has been enforced on us and has been our ruin. No, Sir, I wish to secure protection for my community for a few years only, and it is for those few years, 20 to 25 years, that I ask for this economic safety. Do not deprive us of the 20,000 jobs we hold to-day out of two million appointments in the various Services. If you do it will mean the extinction of a community that has rendered good, loyal and faithful service to its Motherland, India. I plead with the members of this Committee to do their best to incorporate something in their recommendation so as to ensure some economic protection to the Anglo-Indian community. We are being squeezed out of all the Departments which we created and which we helped to maintain, and as our economic future has been placed as a special obligation on the British Parliament I beg members of the British Delegations to give my claim their very serious and sympathetic consideration and not to allow the Anglo-Indian Community, a body of faithful and loyal servants to be driven out of the services and of their country.

Mr. Fazl-ul-Huq : Our position has already been made clear, and this morning, after having listened to the debate, I only wish to say that I agree with the remarks which have been made by Sir Robert Hamilton. I find that on this side of the House—I have consulted my friends—they are of the same opinion, namely, that we should not discuss existing conditions, especially with regard to the Police or the Indian Civil Service, till we see how the Constitution has been working. We want evolution and not revolution of any kind.

Chairman : That finishes our general discussion. You will all find in your places certain heads of discussion, which, with your permission, I will now read through ; then we can start our discussion, but I read them through in order to invite your suggestion as to whether we ought to put in any new heads in order to embrace thoroughly everything that can safely come within our terms of reference. These are only my suggestions.

The first is this : " (1) The question of safeguarding the position of existing members of the Services." Then " (2) The question of reassuring existing members of the Services with a view to securing that they will serve for their normal term." May I point out the distinction between these two, why I have separated them ? No. (1) merely deals with the preservation of the existing rights, whatever those rights may be. We are not here functioning as a body of lawyers or judges to determine what they are. Whatever they are, one assumes that they shall remain. No. (2) is a different point. No. (2) assumes that if you want the existing Services to remain you may have to extend the rights, and what I have got in my mind particularly is the point mentioned, I think, by Sir Cowasji Jehangir, that you may have to give them an added right in that they shall have a right of retirement on proportionate pension, not only for a limited period of one year, but for a longer time, possibly for an unlimited time. Obviously if you do that, or extend the time to two years as was suggested in one quarter, you are not merely safeguarding existing rights, but you are giving new rights. That is the distinction between (1) and (2).

I just point out, if I may, with regard to (1) that I do not think we need have any discussion as to the term " accruing rights." As I have said, whatever the rights are, it is not for us to pronounce upon them ; but as I do happen to be a lawyer and fortified by the opinion of my predecessors, I may tell you that I entirely dissent from the view that a man can be said to have lost an accruing right merely because some post has gone to which he might or might not have won his way. An accruing right is a right which accrues in the normal process of time. That is what I understand an accruing right to be, and that is what my predecessors have advised. I do not think there can be any doubt about that.

Sir Robert Hamilton : May I ask a point upon (2) ? You say " with a view to securing that they will serve for their normal term." It would not necessarily mean serving for their normal term if they had the right to retire, would it ?

Chairman : What we want them to do is this, as I understand. The bulk of opinion is that we are very anxious to avoid a sort of landslide which might take place.

Sir Robert Hamilton : Would not it be better to say " with a view to encouraging them to serve for their normal term ? "

Chairman : It is suggested that there should be the word " encouraging " instead of the word " securing." We want to induce them to go on serving and not throw in their hands, and it is suggested in some quarters that one of the best ways of doing that would be to say to a man : Look here, you have not only got a year in which to make up your mind ; you have got that right and that right shall continue—

Raja Narendra Nath : Would not it be limited to a number of years ?

Chairman : That is a matter for discussion. Perhaps the word " encouraging " better expresses my meaning than the word " securing."

" With a view to inducing them to serve." Would this do—" with a view that they may serve for their normal term." (*Agreed.*)

Now (3) " Should recruitment on an All-India basis continue for any of the following Services." You see I have left out the Indian Medical Service and I have put that in as a separate heading by itself because we may have to discuss it rather widely.

Mr. Shiva Rao : What is to happen to the Central Services and some other Services mentioned in the Government of India Despatch ? For instance, the Indian Political Department, Ecclesiastical Department, persons appointed outside India, and various others.

Chairman : We will put in a separate heading " Central Services " and see how far we have to make recommendations under that head.

The question is raised generally, I understand, not merely as to recruitment on an All-India basis, because, of course, the fact that they are Central Services involves that they are recruited on an All-India basis.

Sir P. C. Mitter : There would be the point as to whether there should be independent recruitment or whether some may be by promotion.

Chairman : We can put in a general heading " Recommendations, if any, in relation to Central Services."

Sir Cowasji Jehangir : " Services under the Central Government."

Chairman : We can add " Recommendations, if any, required as to Services under the Central Government." That will be No. 9. I have written down : " (9) recommendations, if any are required, as to Services under the Central Government."

Mr. Shiva Rao : Are we precluded by the terms of reference from discussing Military Services here ? Will that be a question to be discussed by the Defence sub-Committee ?

Chairman : I think that is a matter for the Defence sub-Committee.

" (3) Should recruitment on an All-India basis continue for any of the following services :—

(*a*) Indian Civil Service,
(*b*) Indian Police Service,
(*c*) Indian Forest Service,
(*d*) Irrigation Branch of the Indian Service of Engineers.

So far as I have gathered from your discussion, there seems to be a large measure of agreement that it should continue on an All-India basis for (*a*) and (*b*) but that it should not continue for (*c*) and there seems to be a divergence of view with regard to (*d*). " Is it desirable to secure an element of European recruitment, and if so for which Services ? Should any such recruitment be done by fixed ratio, e.g. the Lee ratio for each Service, or on some other system." On that we shall have a discussion with regard to what Mr. Chintamani says that it should be left to the Government to decide from time to time what shall be done. I just point out for your consideration what occurs to me as a practical difficulty about that, and that is this : if you are going to have recruitment for these Services you must work to a scheduled programme, because boys at school or young men at University have to think of the careers they are going to adopt and have to start training, and it is hardly feasible, I should imagine, to say it so happens that there certainly are a block of 50 vacancies and next year there may be none. Unless you work to a definite schedule I should think it would be difficult to get anybody.

Dr. Ambedkar : There is one thing which it seems to me necessary that this sub-Committee should consider, whether this process of Indianisation should not be accompanied by some distinction in the matter of pay, pensions, and other privileges of Indians as against Europeans in the Civil Service of the future. I think that is a point which this sub-Committee must necessarily consider. I should therefore like to add to this paragraph " Should the Indian element be on a par with the European element in the matter of pay, pensions and other privileges."

Chairman : We will bear that in mind.

Then " (4) Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution ? "

Sir Chimanlal Setalvad : You will have to add there the question of control, who shall recruit and who shall control.

Chairman : We will leave that for the moment.

Then " (5) Recommendations concerning the Civil Branch of the Indian Medical Service." That is quite at large. We can make what recommendations we like there.

Then " (6) The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees." It occurred to me that there are so many of these points, for instance, with regard to rates of pay, which we have to consider. You do not want to pay more than you need ; on the other hand it is bad economy to pay people inadequate salaries when you do not get the right type of man. That is obvious.

The point made as to the question of control seems to me to involve highly technical matters, calling for expert knowledge, so that I doubt whether this sub-Committee is qualified to express any final opinion—I know I am not. I therefore purposely drafted Item (6) of the agenda so that we might consider whether we ought not to say that there should be Commissions set up to determine this question. Can any of you say—I cannot—what rate of pay is necessary to attract the right type of people ? Is anybody prepared to say that he knows ? Or can anybody formulate what precise regulations should be made regarding control, if we are to cope with that topic ?

Sir Chimanlal Setalvad : I think the broad principle with regard to control should be dealt with here, namely, whether it should rest with the Secretary of State as at present or devolve upon the Government of India.

Dr. Ambedkar : The distinction of remuneration as between Europeans and Indians is a broad question which this sub-Committee ought to decide. The particular principle whether the two elements in the Service should be treated on a par is certainly one for this sub-Committee.

Sir Provash Chunder Mitter : If you want to have an All-India Service it is necessary to remember that conditions in the Provinces are not the same. Unless you take evidence I cannot see how even broad generalisations can be made on the question of attracting the best men for the Services throughout India.

Sir A. P. Patro : We had a Committee to investigate whether there should be any retrenchment in the

Services. It was a very independent Committee, but the result at which it arrived was that the rates of salaries should actually be increased in some respects. I think that this question should be considered by an independent Committee. Some of us, while strongly in favour of Indianisation, feel that in the interests of our own country there should be greater economy in the matter of the salaries of the Indian officers, but at the same time there should be sufficient attraction to such officers, enabling them to maintain their position and prestige in the country, and preserving them from temptation. As to what scale is adequate to keep the best men in the Service, this is not a matter which can be determined off-hand, it is one which will require very careful consideration. These are vital questions affecting the efficiency of the Service. My respectful submission is that we should not burden ourselves with details at present.

Sir Chimanlal Setalvad : With regard to control, I am afraid my remark was not quite understood. I only want to have the large principle settled, whether the control should be in Whitehall or in India.

Dr. Ambedkar : I should like to draw your attention to the report of the Ceylon Commission, which recommended the broad principle that there should be differentiation of salaries between the natives of Ceylon and others.

Chairman : It may meet the point if we had at the end of Item (6) of the agenda, " and if so whether any definite recommendation should be made for the guidance of such Committees."

Lord Zetland : The question which Sir Chimanlal Setalvad wishes to discuss will come up on Item (4). The control goes with the recruiting authority.

Chairman : We can add to Item (4) " and what general recommendations should be made as to control." I agree with Lord Zetland that the one is a corollary of the other. The control goes with the recruiting authority. Will you, therefore, add to Item (6), in order to meet Dr. Ambedkar's point, " and if so, whether any definite recommendations should be made for the guidance of such Committees."

Item (7) refers to a Public Service Commission, in the singular ; I think we had better have it in the plural. We may want to recommend that there should be a Public Service Commission for each Province, and further to make recommendations as to the existing Central Public Service Commission.

Raja Narendra Nath : And would you add to Item (7), " and the general principles to be laid down for their guidance " ?

Chairman : That would clearly come in. I will so construe the word " recommendations." Item (8) relates to the internal administration of the Police, and we have added an Item (9), " Recommendations, if any are required, as to Services under the Central Government." Suggestions have been made to me that other matters ought to be included. It has been suggested that the question of whether permanent members of the Services should or should not be eligible for appointment to Governorships and so on might be dealt with. What I propose to do is to leave that out for the time being, to ascertain whether it is the subject matter of discussion at some other sub-Committee. If not, we shall have to consider it here.

Raja Narendra Nath : The Provincial sub-Committee have dealt with it.

Chairman : Then I am not going to rule it in order here.

Sir Chimanlal Setalvad : In that sub-Committee it was treated as a borderline question, but it comes properly here when dealing with Services.

Sir Edgar Wood : In the Provincial sub-Committee it came in merely haphazard ; it was not one of the subjects deliberately brought before us, and I do not think it was very carefully discussed.

Chairman : The terms of reference to us are, " the relation of the Services to the new political structure." It is only by a strained reading that this can come in, and as it has been discussed by some other sub-Committee I shall rule it out.

Mr. Shiva Rao : I was asked by the lady Delegates to raise the question of the admission of women to the Public Services.

Chairman : I am going to rule that out of order, and also to rule out of order the same question in so far as it relates to the Anglo-Indian Community. We are quite entitled to make any recommendations we like, but considered as a topic by itself it is out of order, because we are concerned with the relation of the Services, and not with those who should be in the Services. Mr. Chintamani says that he has a point with regard to Minorities.

Mr. Chintamani : I think it will be covered by Item (7).

Lieut.-Colonel Gidney : With regard to Item (5), concerning the Civil Branch of the Indian Medical Service, does that include the question of recruitment?

Chairman : Yes, everything. I did not put the Indian Medical Service in the list of Services in Item (3) because the method is different from that in being in the other Services. This is a case of *sui generis*, and I have not included it with the others.

Lieut.-Colonel Gidney : It is the only Service which to-day is recruited by nomination and not by competition.

Chairman : We will now start a discussion on the different heads. Is there any difference of opinion on Item (1) : " the question of safeguarding the position of existing members of the Services " ?

Lord Zetland : One point occurs to me. I am sorry I was not able to be here yesterday, when it may have been referred to. There is considerable apprehension amongst members of the Services with regard to the future, not of their regular pensions so much, as of the Provident Fund and Family Pensions Fund which have been subscribed for largely by the members of the Services themselves, but which under existing arrangements are merged in the general balances, and not kept in the accounts of the Government of India as a separate fund. Would it be open to this Sub-Committee to make a recommendation in general terms that the question of the provident and family Pensions Fund is one of great importance, and that in any re-arrangements made under the new Constitution power should be secured to the Secretary of State to safeguard the fund.

Chairman : Manifestly you cannot interfere with existing contracts, and therefore even before the discussion of yesterday, I had endeavoured to draw up some resolution which I thought of proposing to you for your consideration. It reads as follows :—

> " Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision shall be made in the new Constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new Constitution comes into force. When the new Constitution is drawn up, suitable safeguards for the payment of pensions, including family pensions and provident funds, should be provided." (*General Assent.*)

We now come to Item (2) : " The question of reassuring existing members of the Services with a view to securing that they will serve for their normal term." The main point is the extension of the time limit for retirement on proportionate pension.

Sir A. P. Patro : I agree with Sir Cowasji Jehangir that in order to secure efficiency there must be sufficient proportionate pension. It is necessary that there should be such inducements as will make the

officers remain and continue to render efficient service. Therefore I think that they should have the privilege of retiring at any time they like, but no period should be fixed within which they must announce that they are going to retire. If a period is fixed the difficulty will be that they will be looking forward to that period, marking time, and doing no effective service. It will lead to a certain amount of demoralisation. If the option is retained, there will be a further inducement to them to remain in office for some time, and give full and effective service.

Mr. Mody : I cannot agree with that view. I believe it would entirely destroy the morale and efficiency of the Service if it was left to every member of the Service to pick and choose his own time to retire. It would not be possible for a man who made these mental reservations to give his best to the service of India. If a definite period of time is given to him, he knows where he stands, and will do his best. I would confine the option to such a period as three years, which is a reasonable period for him to make up his mind whether the conditions of service in India are or are not suitable to him.

Sir Cowasji Jehangir : I would like to add one word with regard to this matter. The idea is, and you will find it in the printed matter that has been placed before you, to prevent officers retiring at the end of this limited period when they have not made up their minds.

Chairman : Certainly.

Sir Cowasji Jehangir : The idea is that in two years, or in three years, or in whatever period you may lay down, the time is not long enough to gain the necessary experience of the running of the Government to enable them definitely to make up their minds. The result is that, although they have doubts about retiring, they feel it incumbent in the interests of their families, that they should exercise that option rather than not do so, because if they do not exercise that option, and six months or a month after that, conditions become impossible for them, they cannot retire at all because they are deprived of their proportionate pension. The result is that you keep a dissatisfied officer. I would much rather pay a man anything he likes to get rid of him if he is dissatisfied than to force him to serve me when he is unable conscientiously to do his best for me. Let the man go at any time, and give him that chance, rather than force him to make up his mind at a certain period when he may do it in one way or in the other.

There is one qualification, and I think that you will also find it in some of the papers that have been placed before you. We do not desire that European officers in India should be looking out for jobs in their own countries, whether it be in England or anywhere else, knowing well that they are in a position to accept a job at any time during their service in India, getting a proportionate pension, but serving someone else afterwards at additional pay. These questions have actually arisen in practice. You will find instances where, during the two years, or during the year where this option has been allowed to them, they have been trying to secure jobs of a very profitable character elsewhere. They exercise their option if they can get the job, and they do not exercise their option if they fail to get a satisfactory job. That must be prevented. Something has been laid down somewhere with regard to it in some rule, but I cannot lay my hand upon it at the moment. Perhaps my friends will help me. There have been some rules laid down by Provincial Governments that no officer shall enter into any negotiations for any other job during his term of option. I would make that a condition precedent, that no officer during his term of service in India shall be in communication with any person outside to get a job.

Mr. Chintamani : How can you prevent him ?

Sir Cowasji Jehangir : The question has actually arisen in practice and it has been prevented. I will try to look it up if you will give me time. It occurred to me only just now. This case did not occur to me yesterday. I will have it looked up, but I make my suggestion conditional to the explanation that I have just given.

Sir Provash Chunder Mitter : I would like to place some material before the Committee. When I was Minister for Education in 1922 and 1923 in Bengal there was a particular officer of the Indian Educational Service with whom I got on very well, and he was a very capable officer. He applied for retirement on a proportionate pension. I sent for him, and I asked him : " Why are you going ? Are you in any difficulty ? " He told me frankly : " At the present moment I am in no difficulty, but I cannot anticipate the future. In the meantime I have got a job in England. My present prospects are very much better here than what I can get there, but I am preferring a certainty to a better uncertainty." The result is that we have been paying his pension charges during all these years. I feel sure that if he had not had to make up his mind within one year, or two years, or three years, he would have remained, and we would have got a much better service. A good deal can be said in favour of a time limit, but after all what is our object ? If we want to keep British officers in the Service and if we call upon the British officer to make up his mind by a given date, then we shall be losing a friend. Many of them will naturally be on the look-out for retirement. After all every one wants to come back to his own country. If we served in England, and if we could have an opportunity of going back to India, even with less prospects, we would naturally try for it. I do not think that the addition of Sir Cowasji Jehangir's is very practical. I know that in our Provincial Government there is a rule like that. Some friend may find a job, and that position is not very practicable. Therefore I think that from the financial point of view, and from the point of view of getting contented work out of our men, it is better not to have a time limit.

Dr. Shafa'at Ahmad Khan : Sir, the proposal of Sir A. P. Patro that the member of the Indian Civil Service should be allowed to retire at any time has certain defects, and they have been pointed out very lucidly by Sir Cowasji Jehangir.

Dr. Ambedkar : He supported it.

Dr. Shafa'at Ahmad Khan : I suggest a compromise, and the compromise is that the members of the Services should be allowed to retire at stated intervals, say in five years, ten years, or fifteen years, every five years.

Sir A. P. Patro : No.

Dr. Shafa'at Ahmad Khan : I think that it will work, because if a person is satisfied with his conditions of service, and if you impose a restriction regarding his option, and say that he will not be allowed to leave after two years, then if he cannot afford to leave the Service owing to his position, he will be a useless and discontented element of the Service. He will go on working, but he will not put in his best. If you give him the option of retiring, say after his fifth year of service, or after his tenth year of service, I think that he will be able to exercise that choice. In my opinion both the country which he serves and himself will reap a benefit by the change.

Mr. Chintamani : I regret that I must definitely oppose the proposal that the privilege of retirement on proportionate pension should be open to officers for an indefinite period and without any time limits. The period of time should be adequate for an officer working under the new Constitution to make up his mind whether the conditions are congenial to him, or whether he would prefer to go. A period of three years has been suggested by Mr. Mody. I am willing, and I am sure that he will not seriously dissent from me, to go further and to suggest five years, that is to say, the life-time of one Legislature. If an officer during five years does not find anything so very disagreeable to him as to compel him to quit the

Service it is not likely that such conditions will arise thereafter. In making the proposal of unlimited generosity to officers in the Services, the speakers seem to have overlooked the criticism which has always been levelled at governments under existing conditions, namely, that they have regulated matters as if India existed for the Services and not the Services for India. There is still a person called the taxpayer, and it would not be out of place if we sometimes remembered his existence. With regard to proportionate pensions and allied matters for the benefit of the Indian Services, I do not hesitate to say that they would not be possible in any country where the Government is responsible to the representatives of the people themselves. Some of the speeches of those who are so anxious for the retention of the Services of European officers in the All-India Services suggest that after all, their admiration for the conscientiousness, honesty, and devotion to duty of these officers was of a strictly limited nature. They seem to feel that the constant anxiety of the officers is their own remuneration and their own affairs, and not the Service to which they are attached, and that, in the giving of their best to the Service of which they are members, they will be thinking only of themselves.

I am a critic, sir, but my sense of their devotion to duty and of their honesty is far greater and deeper than for me to cast this reflection upon them that while in the Service they will not be giving of their best to the Service, but will be thinking only of themselves. From all points of view I think that every reasonable requirement will be met if we recommend that it be provided that for a period of five years after the coming into force of the new Constitution officers of the All-India Services shall be at liberty to retire on proportionate pensions if they find the new conditions of service uncongenial to them. If they do not exercise that privilege within five years, then they should conform to the ordinary Service rule, and should not be eligible for any special privileges.

Mr. Shiva Rao : I was going to suggest three years, but I am quite willing to accept Mr. Chintamani's proposal of five years. I should like to invite the attention of this Committee to the provision in the Nehru Report upon this very point: "Any officer of the Public Services who desires to retire within three years of the establishment of the constitution, or is not retained in the service of the constitution, shall be entitled to receive such pension, gratuity, or other compensation as he would have received in like circumstances if the constitution had not been established." I find that it is practically a reproduction of a provision in the Act of South Africa, which says that any officer of the Public Service of any of the Colonies then established of the Union who is not retained in the service of the Union, or assigned to that of the Province, shall be entitled to receive such pension, gratuity, etc. As a matter of fact, the right to retire on proportionate pensions is a concession which is made in India, and which was not made in the case of South Africa when the Union was established. Three years is really an ample period within which any officer can make up his mind whether he will continue to serve the new Constitution, or whether he would like to take advantage of a proportionate pension and retire, but I am quite prepared to agree to Mr. Chintamani's proposal that the period should be extended to five years but not any longer.

Mr. Zafrullah Khan : I should like to divide this question into two parts. We are all aware that the lines along which the British Parliament was willing that the Government of India should be constituted were declared in principle as long ago as August, 1917. Then the Government of India Act was passed in 1919, the Preamble to which again very clearly reiterates the principles which are going to be followed in the future development of the Constitution of the Government of India. Under that Act, and the rules made thereunder, a certain option of retirement on proportionate pension was given, which I think was applicable to the then existing members of the Services. I am not quite clear whether any option was given with regard to persons who might, subsequently to the coming into force of that Act, enter the Services, but if any option was then given, and there is a limited period with regard to it, I submit that it should in no case be extended. People who joined the Services after the coming into force of the Government of India Act in 1919 can have no grievance if no further option than that which may have been given under the provisions of that Act is now allowed to them, inasmuch as they must have known that anything that might subsequently happen, and anything that is now likely to happen in 1931 or 1932 would be only the further implementing of the policy then very clearly declared which would rule with regard to the development of the Government of India; that is with regard to people who joined the Services after 1920. Generally, with regard to people who joined before, with regard to whom it could not be said that they were aware that these changes were going to take place, my submission would be that the furthest that we should go would be Mr. Chintamani's proposal to give an option of retirement within five years from the coming into force of the new Constitution. That would be not earlier than some time in 1932. Therefore the option would expire in 1937, which gives a period of 20 years, starting from 1917, for people who were members of the Services then at various stages to have made up their minds. I do not think that any very sudden disorganization might be expected from this, because, in the first instance, this option would not apply to the Indian members of the Services; they would be there throughout. Then, as I have said, the five years should not apply to those who joined the Services after 1920. We do not apprehend that all those who are serving now in India, and who have served loyally, would think that as soon as practical effect is given to the principle that the Government of India must be carried on more or less in accordance with the wishes of the people, that declaration, and its practical implications, makes it impossible for them to go on serving in India. Therefore, there will be only a proportion of those senior members who would wish to retire. I think that the period of five years from the coming into force of the new Constitution is a reasonable period within which members of the Services must decide whether they are going to cast in their lot with the new order of things or not. I do not think that any of those apprehensions would in practice really be justified.

Chairman : May I point out, particularly with reference to what Mr. Zafrullah Khan has said, that I should not consider the matter, if I were you, from the point of view of the grievance of any particular servant? I do not look at it from that point of view at all. Every servant under the Government of India, when the new Constitution comes in, will have a contractual right to go, and he will have a contractual right to go for a year; that is the legal position. No servant can have any grievance if his contract is carried out; so long as you give him his contract you have given him what he has bargained for, and that is all that he can ask for. It is not from the point of view of the grievance of any servant that I think that we should consider this matter. It is solely from the point of view of expediency with regard to the Government of India, because what I anticipate, knowing very little about it, if I may tell you my views, is, that supposing you confront the various servants with this position and you say: "You may have, instead of one year, three years," or you say: "You may have five years," is it not quite certain in the first place that apart from any grievance there is a danger that you would have rather a landslide, and all your people leaving India before they knew what the new conditions were going to be like? Would not that be the position if you limited it to one year? May not that put the Government of India in a very difficult position? Whatever sort of staff you may have, good, bad, or indifferent, Europeans or Indians, at the very initiation of this great experiment, this tremendous new Constitution, it seems to me that

you are placing yourselves in an appalling difficulty if you take steps which may bring about a landslide of your existing staff. Therefore, I think that everybody would desire, not from the point of view of the grievances of servants, but from the point of view of simply giving the thing a chance, to take such steps as you can to ensure that you are not going to have a very large change of staff." Then comes the question of time. Ought it to be three years, ought it to be five years, or ought it to be unlimited in point of time? Again I should suggest that the sub-Committee considered that simply and solely from the point of view of expediency. I would remind you that the Statutory Commission said that the time ought to remain open indefinitely. Bombay, Madras, the Punjab, the Central Provinces, Bengal, the United Provinces, Bihar and Orissa have all agreed, with the exception, I think, of one non-official in the Punjab, and the Government of India have said, that they regard this right to retire for an unlimited time as essential, not in the interests of the Service, but for the good government of India. Therefore it seems to me that you are taking upon yourselves rather a big proposition if you are going to fix an arbitrary limit of time. You must consider also the position of a comparatively young man. He may think to himself: "What attracts me in this Service are the prospects which it holds out. For the next five years I do not particularly care about things. I am quite low down in the scale, but I hope that I can go on and achieve a big, a prominent, and an important position." If you put that man into this position that he has got to make up his mind to go or not to go in five years' time, may he not say to himself: "The next five years do not hold out very much attraction for me. It is the future which holds the attraction for me. As I have to make up my mind in the next five years I had better make it up now." It is entirely a matter for you to consider, but it seems to me that it ought to be considered entirely from the point of view of the Indian interests, never forgetting the interests of the taxpayer, as Sir P. C. Mitter said. The great thing to remember is that you have to take care to avoid any risks which may jeopardise the success of this experiment, and it does seem to me that anything which may produce a landslide of the existing staff may jeopardise the experiment.

When we come back at 3 o'clock I hope that we shall be able to take a decision upon this point straight away. There is not very much difference between us. It seems to me that it is a difference of a time limit on the one hand, or of the extension without a time limit on the other. During the luncheon interval, we may be able to agree.

Mr. Chintamani : I would like you to consider that if a man retires early the taxpayer will have to pay for quite a long time.

(*The sub-Committee adjourned at* 1 *p.m. and resumed at* 3 *p.m.*)

Chairman : Having considered the matter during the adjournment, I beg to propose the following resolution, which I think will reconcile all divergent views:

> "As it is important that those responsible for the working of the new Constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term. In particular the sub-Committee agreed that the right to retire on proportionate pension should be extended.
>
> "The opinion of the sub-Committee was divided as to whether the extension should be for an unlimited term or for a definite period of years—say five years.
>
> "The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted provided that the same is conducive to loyal and efficient service."

(*General Assent.*)

We come now to Item (3): "Should recruitment on an All-India basis continue for any of the following Services: (*a*) Indian Civil Service, (*b*) Indian Police Service, (*c*) Indian Forest Service, (*d*) Irrigation Branch of the Indian Service of Engineers." I pause there, and suggest that I rather gather the sense of the Committee to be "Yes" to (*a*), "Yes" to (*b*), and "No" to (*c*). May I take it that the answer is "Yes" to (*a*) and (*b*)?

Mr. Shiva Rao : I think that all these Services should be provincialised. I do not think it would be satisfactory to work these Services on an All-India basis, and at the same time ensure a proper relationship between the Services and the Ministry.

Mr. Basu : The Indian Civil Service is a general Service that is recruited, and there are bifurcations and trifurcations. After a period in the general Service, some members, for example, go to Customs, some take the Judicial line and become Judges, and others remain in the Executive and Revenue Departments. Are we going to have a Service which is not a specialised Service, such as we ought to have, from the very start? It may be, as I pointed out in my general remarks, that with the new Constitution it will be necessary to recast the categories of Services, instead of having one Service, namely, the I.C.S. The I.C.S. has done good work in the past, but it is to some extent an anachronism, and may be more so within a short time. The question is whether by this kind of nomenclature we shall be tending to continue and perpetuate a state of things which does not fit in with the requirements of the present day.

Dr. Ambedkar : This question has to be considered from more than one point of view. There is, first of all, the point of view of Provincial autonomy. We are framing a Constitution in which we propose to give as large a degree of Provincial autonomy to the Provinces as possible, and it seems to me that no Province can be deemed to have Provincial autonomy if it has not the right to regulate the Civil Service that is going to work in its area. There is another and very important point of view, namely, finance. When we have an All-India Civil Service we have a fixed scale of pay. Salaries, remunerations, and other privileges are on a scale which is somewhat remote from what would be obtainable in the various Provinces. A Civil Service that will not be costly to Bombay or Bengal may be costly to smaller and poorer Provinces, like Assam, Sind, the North-West Frontier Province, and Punjab, and it may be that these Provinces will feel themselves satisfied with a little less efficient service than the All-India basis would give them. Having regard to finance at their command, they may regard the brains and efficiency obtainable as quite sufficient for their purpose. Finally, I agree with Mr. Basu with regard to specialisation. I do not understand how the passing of an examination like that of the I.C.S. can give any man the competence to serve in certain specialised Departments. A man who has passed his I.C.S. examination, with mathematics as a special subject, may be placed in the Department of Agriculture or in that of Indian currency. We ought to have a Service which not merely assures a certain standard of education in those who participate, but also allows for a certain degree of specialisation It is necessary, in my view, that the All-India character of some of these Services should now cease, and the Provinces should be allowed liberty to cut their coats according to their cloth.

Sir A. P. Patro : The objection which has been raised by Dr. Ambedkar is a very relevant one. Even at the risk of being criticised as enthusiastic for the British Service, I may state the practical aspect of the matter, and cite the experience we have had. The difficulty with regard to the provincialisation of

Services is that in comparison with the All-India Services the scales for the Provinces have had to be fixed, not altogether equal to that of the All-India Services, but in a certain approximation thereto. In Madras we have provincialised the Agricultural Service, dispensing with the All-India basis, but there was such an amount of protest from the people concerned that their emoluments ought not to be cut down or their conditions worsened, that it has been necessary to make two classes, called the A and the B class. The A class has been alloted a scale very little below—a few per cent. below— that of the All-India Services. It has also claimed special privileges. The members of the B class have also claimed a higher ratio in proportion to what they have been getting. Therefore, by dispensing with the All-India basis and provincialising the Service, being desirous of getting the best men possible for the Provincial Service, we have not been able to effect any great saving. The time scale of pay that was adopted throughout India is the real difficulty. In the Provincial and Subordinate Services in the Madras Presidency the time scale of payment absorbed more than one crore of rupees, and it has not yet reached the summit of the expected expenditure; indeed, it will take eight or nine years more to reach the summit. Therefore the difficulty is not so much the salary of the All-India Services—the All-India Service increment in Madras altogether amounts to about 38 lakhs of rupees—but in the case of the Provincial and Subordinate Services, when the time scale was introduced it absorbed more than a crore of rupees. The question is not so clear that one can merely say, "stop recruitment from All-India Services, and you will have a saving of expenditure." My experience has shown that the time scale of pay is the real burden on the Provincial revenues, and not merely the recruitment on an All-India basis.

Lord Zetland: I think Dr. Ambedkar's remarks give a somewhat misleading idea as to what the functions of the officers of the Indian Civil Service are. Dr. Ambedkar said, "How can you expect that a man who has merely shown himself capable of passing the I.C.S. examination should be competent to act as an expert agricultural officer?" In the first place, may I point out that the qualifications of the members of the I.C.S. are not merely an ability to pass competitive examinations. After they have passed their examinations they have to go through a considerable period of probationary instruction—I think a period of two years, but it is varied from time to time—at certain selected Universities in this country, where they are given courses of specialised instruction in the different branches of administration in which they expect to be engaged. The work of the I.C.S. generally speaking, is administrative. Anybody who listened to what Dr. Ambedkar said might imagine that there was no such thing in India as a specialised Agricultural Service, but there is such a Service, and although it may be true that there have been and are occasions on which a member of the I.C.S. who has studied agriculture has been given administrative charge of an Agricultural Service, generally speaking the Agricultural Service is specially recruited from agricultural experts, both European and Indian. This question which we are discussing is almost inseparably bound up with the next question as to the recruitment of these officers. I do not want to overlap with that, but I would say just this, that if it is considered desirable to continue to recruit a certain number of Europeans for the Indian Civil Service—and, as far as I understand it, most people do regard that as an advantage—it must, I think, be an All-India Service. You will never get Europeans of the type you require if the recruiting authority is going to be the Provinces. I can speak with a good deal of personal experience on this subject. We all know that during the war the recruitment of Europeans for the I.C.S. underwent a break, and at the end of the war when it was sought to re-establish the recruitment of Europeans of the right type from the Universities in this country, great difficulty was experienced in doing so. With others I visited a number of the Universities in this country with a view to explaining, not only to the students of the Universities, but to the University authorities themselves, the sort of terms on which the young men from this country would serve if they joined the I.C.S., and it was made perfectly clear to me in the course of that experience that the one thing that the young men and the University authorities also did regard as important was that the recruitment should be on an All-India basis, and not only so, but should be by the Secretary of State for India. It is really a question of practical expediency. I would like any members of this sub-Committee to go and consult, say, the Civil Service Commissioners in this country or leading members of Oxford or Cambridge, or some of the Scottish Universities, whose duty it is to advise young men as to the careers they should adopt, and they would be satisfied that if the Secretary of State ceases to be the recruiting authority, the I.C.S. recruitment of the type of man you want to get from this country will dry up. I am not expressing for the moment any opinion, though I have my own very strong views on that question, but I am putting before you the practical aspect of the question. Let me assure Dr. Ambedkar and any others who think with him that if they insist on recruitment for the I.C.S. on a Provincial basis, they must understand that the recruitment of the type of man they want in this country will cease.

Chairman: Mr. Basu's point of view on Dr. Ambedkar's remarks should clearly be considered. We should be careful to make it plain that in recommending recruitment for the I.C.S., we do not regard the I.C.S. as perfect, good though it is, or as a thing which must be continued for ever on exactly the same basis. It will be necessary to do whatever is possible to remould and recast it. Those of Dr. Ambedkar's school of thought suggest that the All-India Services should be done away with, and small Provincial Services set up in their stead.

Dr. Ambedkar: I think that I should make my position clear. I hold, with the rest of the members of this Committee, that it is very necessary to have a European element in the Service, but I do not share the view of the noble Lord, Lord Zetland, when he said that if you make the Service provincial it will dry up the source of recruitment.

Sir Provash Chunder Mitter: Upon that point I can give some material to the Committee. In 1924 and 1925 the Bengal Government decided not to recruit for the Indian Educational Service. Later on the member wanted to recruit from England, and even to-day the Indian Educational Minister and the Educational Department are trying to recruit from England. One post which they are very anxious to recruit from England is that of Professor of English. For three or four years they have tried. They wanted to give an initial salary of £800, whereas in the regular Indian Educational Service the Indian salary is somewhere about £500. They have not got anyone. They wanted to get a Professor of Physiology at an initial salary of £800, but they have not got anyone. I was not in charge of the department so that I have not got any inside knowledge, but I am told that the reason is that the recruits feel shy of going out to India to a Provincial Service, and whether the salary is good enough. That is one reason. The other reason is that they want a life-long career, so that even with better terms they do not want to go to a Provincial Service. I am one of those who believe that those difficulties will disappear, but at the present moment they are a reality.

Lieut.-Colonel Gidney: I will give you my experience as a retired officer in the Indian Medical Service. When provincialisation of the Civil Medical Services was suggested and various Indian Medical Associations and others participated, I can assure this Committee that it seriously affected recruitment in England of European members for the Indian Medical Service to such an extent that to-day the authorities have to beg, borrow, and steal from hedges

and highways for candidates and yet they will not enter the I.M.S. Why? Because of this uncertainty and insecurity of service. I give you this as an illustration of how difficult it is to secure suitable I.M.S. recruits in England.

Mr. Chintamani: Sir, having regard to the speeches which have been made upon this question I feel it difficult to vote "Yes" or "No" without making an explanatory statement. The Marquess of Zetland has spoken of the necessity of continuing to recruit the Service on an All-India basis if we want satisfactory recruits from the universities of England and Scotland. There are a large number of Indian public men, amongst whom my friend Sir Chimanlal Setalvad and myself are included, who do not want any more recruitment in England or Scotland for the Services in India. We recognise the value of the services of highly trained European Officers, but as both of us have pointed out these officers, including the most junior of them, will still be there for varying periods extending to 25 years. We feel that if we cannot be competent even at the end of 25 or 30 years that we shall not be able to manage our affairs without recruiting for our Services in countries other than India we should be candid to ourselves and withdraw the demand for self-government, to press which we have come here. The question next arises, if we do not have any future recruitment for the Indian Civil Service in England or Scotland, will it still be necessary to keep up the Service on an All-India basis? One of the principal arguments on that account disappears, namely, the subject of recruitment. With this should be considered the other question raised by me in my general speech yesterday, and repeated by Mr. Basu and by Dr. Ambedkar a few minutes ago: should the Indian Civil Service continue on its present basis at all, that is to say, as a Service which supplies officers not only to the Revenue and Executive departments, but to the Judiciary, the Customs, the Post Office, and a number of other miscellaneous departments? In the past, officers of the Indian Civil Service were considered to be fit and proper persons to appoint to any office. In recent years the tendency has been more in the direction of specialisation, and each department now expects that the principal offices in the department shall be filled by promotion from its own ranks, and not by the importation into that department of officers of the all-providing Service, the I.C.S. If the almost unanimous opinion of educated Indians that the I.C.S. should no longer be the recruiting ground of judges should prevail, for example, then the number of men required for a purely executive service will be much smaller, and it will be open to consideration whether the requirement of the country will or will not be met by recruiting for those posts upon a provincial basis rather than upon an All-India basis. A number of these questions are intimately bound up with the question whether the recruitment of an All-India Civil Service shall be continued upon an All-India basis. As these questions have not been answered by the sub-Committee any answer which can be given to this question can only be contingent to the answers which can be given to the other questions, and must be without prejudice to the opinion which we shall express upon these other questions. That is the difficulty which I feel in voting upon this matter at the present moment.

Chairman: I think that that is quite a reasonable suggestion of Mr. Chintamani's. This is bound up with later questions. If I may take the purely provisional answer "Yes" for the moment, when we have discussed the next questions I will come back and see if we can get some agreement as a whole. Let us pass on, and see if there are any special remarks to be made under (*b*) Indian Police Service.

Mr. Basu: I agree that the Indian Police Service should be on an All-India basis.

Chairman: May I take it that it is agreed that the Indian Police Service should be on an All-India basis?

Mr. Shiva Rao: I am against any of these Services being on an All-India basis.

Chairman: May I take it purely provisionally that that is agreed? (*Agreed.*)

We now come to (*c*) Indian Forest Service.

Mr. Basu: I think that that should be provincial, because otherwise the forests of India will be neglected.

Chairman: May I take it that that is provisionally agreed? (*Agreed.*)

We now come to (*d*) Irrigation Branch of the Indian Service of Engineers.

Lord Zetland: I have not had an opportunity of hearing what was said upon that point. There is only one point which I should like to raise with regard to the Irrigation Branch of the Indian Service of Engineers and that is with regard to the Punjab. The conditions in the Punjab are very special, and the members of the Irrigation Branch of the Service of Engineers in that Province discharge functions which really lie outside the ordinary run of functions discharged by such officers in other Provinces. Of course I have no personal experience of this particular matter, but I understand that in the Punjab the Irrigation Engineer Officers perform very largely the duties of Revenue officers. Very often when it is a case of allotting water to different people, and there are questions of the charges to be made for that water, communal questions step in. It is an advantage, therefore, to have an officer who is regarded by all parties as absolutely neutral from a communal point of view. I believe that it is an advantage to have such an officer in the Punjab. I do not press that point at all because I am not competent to do so. It is an aspect of the case which has been put before me by various people, and, therefore, I merely raise it at this sub-Committee in case there is anything in it.

Sir Chimanlal Setalvad: The point upon this head as put by Lord Zetland comes to this again that because there are communal differences, because there are communal prejudices, and because there are possibilities of conflict in that direction, therefore you must have European officers. It comes back to the same thing. That argument will apply if extended to every branch of administration. Therefore I submit that we cannot accept that argument at all. That would be an argument which would go to the root of everything.

As regards special qualifications for irrigation we have an object lesson before us in the State of Mysore. The State of Mysore has undertaken very large and very complicated irrigation schemes of a huge character. All those schemes have been designed, executed, and worked by Indian engineers. Not a single European engineer was brought out for irrigation purposes in Mysore. All those works of a huge character have been carried through, executed and are being worked, and water has been distributed over hundreds of thousands of miles of canals by Indian officers throughout. Therefore there is no inherent unfitness in Indian officers of the Engineering Department to work the Department of Irrigation. When I say that I do not mean that you shall not have an All-India Irrigation Service. It may be an advantage to have an All-India Irrigation Service but the recruitment need not be in England or in any other country outside India. Again, when I say that, I do not rule out the employment of Europeans, experts in that line, by the Provincial Governments, or by the Indian Government as a whole. They may require the assistance of such experts. They will, whenever necessary, certainly involve the assistance and the services of English experts. What I say, however, is that there is nothing special in the Irrigation Department which makes it necessary that the recruitment should be European in the sense suggested by Lord Zetland, or that Indians are not capable, are not ready, or are not trained enough in this Department to carry on the work.

Sir P. C. Mitter : I have considered the matter very carefully. Before I deal with other reasons I would just dispose of the reason put forward by Sir Cowasji Jehangir. He said that in Bombay it is of the utmost importance that they should have very good irrigation, and he also pointed out that the position was the same in the Punjab. If that be so, that may be a reason for an extra good scale of pay for Bombay and the Punjab, but that is no reason why we should have the same scale of pay in every Province where it is not necessary to have it. Quite apart from that I think that it is not one of the Security Services in that sense. It is a very important Service, but it is not a Security Service in the sense of the Indian Police Service or the Indian Civil Service. There must be give and take. If in a particular Province anything goes wrong it will be up to that Province to recruit men with an attractive salary. I would like to point out that the man who made a tremendous advance not only in India but also in Egypt, Sir William Wilcox, was born in India, and he was trained in the United Provinces. With regard to the advantages of Indian recruitment, as Sir Chimanlal Setalvad has pointed out, we have the example of Mysore. An Indian who is born in the country sees his rivers. He sees the natural resources from his boyhood. He may have his training in India, or he may have his training anywhere in the world. That advantage a foreigner can never acquire from the beginning. He will have to acquire the knowledge of the country. I am one of those who say that some of the British Irrigation Engineers are very well qualified, but for the first few years he has to acquire his knowledge. Then, after he becomes efficient, and after he has done 15 or 20 years, he retires, and that knowledge is lost to the country. On the other hand, if a particular Province requires a very superior type of irrigation engineers, let them pay well, and let them encourage Indians to become superior irrigation engineers. Therefore I am in favour of getting Indianisation so far as this service is concerned.

Sardar Sampuran Singh : I wish to remove one misapprehension. Lord Zetland remarked that in the Punjab and in other places there is, on account of communal differences, always some friction with regard to canal water and that sort of thing, and that for that reason it would be necessary to keep the Irrigation Service in the Punjab as an All-India Service. So far as the working of these canals is concerned I have experience both as an agriculturalist and as a lawyer. I have had experience with regard to how the things have worked out in the Courts. So far as there are quarrels about the water they all go to the Civil Courts. The irrigation engineer has nothing to do with it. With regard to quarrels about the distribution of water, if they are criminal, if there is a fight, it goes to the ordinary Criminal Courts. If there is any other inequality in the distribution of it it goes to the Civil Courts. The irrigation officer as an engineer has nothing to do with those quarrels. The irrigation engineer in the Punjab has only to think of the new schemes and to maintain the old canals. At the most he has to make a sort of distribution of the water which is always liable to be set aside by a Civil Court. Generally speaking, in the Punjab the villages are combined, and it is impossible to say that an officer will give more water to Muhammadans and less to Hindus because the fields intersect. Sometimes the whole village is either a Sikh or a Muhammadan village. Therefore so far as the communal question is concerned there is no danger of that as regards the Irrigation Department in the Punjab.

Chairman : May I ask a question for my own information? Is there any danger of an inter-provincial question being raised? Take the Indus, may you have rivalry for instance, between the Punjab and Bombay? I ask only for information. If so, it seems to me that that is an argument which we ought to bear in mind in favour of making it an All-India scheme entirely, without prejudice to the question of Europeans to which I will come presently.

Mr. Zafrullah Khan : The only question which could have arisen between two Provinces with regard to irrigation from the Indus was a question as to the allocation of water between the Punjab and Sind. That is a matter which obviously one of those two Provincial Governments could not decide by itself. No doubt for the purpose of the decision of that question the Government of India had to take into consideration the claims and the views of both these Provincial Governments. In putting forward those claims each of these Governments got as much assistance as was possible from their expert Irrigation Officers. In the first place, that matter has been settled for the present at any rate, and for many years to come, by the Government of India allocating a certain quantity of water to Sind. They say that for the present the Punjab shall not draw any further quantities of water from the Indus for the purposes of irrigation. If that arose again it would not be a question with regard to the Irrigation Service at all. It would be a claim by one Provincial Government against another Provincial Government. The decision of the question by the Government of India would not in the slightest degree be affected by the fact as to whether the Irrigation Service in one of those Provinces, or in both of those Provinces, was Provincial or on an All-India basis. I cannot conceive of any other question that is likely to arise between the two Provinces. They are not contiguous so far as the question of the Indus is concerned. The Indus, after it has flown out of the Punjab, and before it enters the Province of Sind or Bombay has to pass through a very large stretch of territory. Therefore really no question has arisen out of the boundaries being contiguous between the two Provinces. The larger question of policy is likely to be an inter-provincial matter, and has nothing to do with the question of the Irrigation Service.

Major Stanley : I am completely ignorant about the particular conditions, and my question may show it: is it possible that a question might arise on this particular scheme where the irrigation service of one Province has, through bad provincial recruitment, been allowed to go down through the inefficiency of the Service of that Province and has really acted to the disadvantage of another Province which is connected with the same scheme?

Mr. Zafrullah Khan : Naturally it is the Upper Province in which that question might arise; it would not be the Lower Province into which the water flowed. For instance, if our system ran out of order, I think it would be so much better for them than for us. Apart from that, I do not think the mere fact that the recruitment was on a provincial basis would lead to any such result, because our own prosperity would depend on that question. The irrigation in the Punjab is such a vital question that security to the Province itself would require that the Service should be recruited on an All-India basis. That is an argument which has been disposed of and could easily be disposed of. Surely the Punjab would not allow its recruitment to fall, in its own interests. Our very vital interests depend upon the continuance and maintenance and efficiency of our irrigation and canal system, and if recruitment is on a provincial basis it would require to be very efficient indeed.

Chairman : We had better take a decision on this now. It is for you to decide. The sense of the majority of the meeting undoubtedly is in favour of putting this on a provincial basis. (*Agreed.*)

Now we will pass on and consider the next question. We had better consider them together, I think: "Is it desirable to secure an element of European recruitment, and if so, for which Services? Should any such recruitment be done by fixed ratio, *e.g.*, the Lee ratio for each Service, or on some other system." I point out, though it is not quite plain here, that of course it is clearly open to us to say that the system of European recruitment should be continued as at present for a short time and then reconsidered. Would it be more convenient to take

that with No. 4, do you think ? No. 4 is " Who should be the recruiting authority," etc.

We will consider them both together.

Sir Chimanlal Setalvad : Mr. Chairman, the question " Is it desirable to secure an element of European recruitment, and if so for which Services " is a question which should be left to be determined by the future Government of India according to the needs and circumstances as they see them. When we wish to endow India with a Government of her own, representative of her own people, I think it is not the right thing to do, in anticipation of the constitution of that Government, for us to return an affirmative or negative answer to the question that is put here. Assuming that the Government of India desire to secure the services of Europeans in certain departments, it will be open to them to consider—at least it should be open to them to consider—whether they can obtain those European recruits by holding an examination or any similar process in India itself or by applying to their agent in England, the High Commissioner, to obtain the requisite officers for them. That again is a question which it should be competent for the new Government of India themselves to decide.

" Should any such recruitment be done by fixed ratio, *e.g.*, the Lee ratio for each Service, or on some other system." Here again I say I stand up for the future Government of India and claim that it is for them absolutely to determine, with the sole idea of the interests of India whether there should be any such proportion, and if so what should be the proportion. I hold, as I have held in respect of the other questions, that it is both premature and improper for us in anticipation to determine these questions for them. The recruiting authority, as I have already stated, should be the Government of India themselves and not the Secretary of State for India, and whoever be the recruiting authority should also be the controlling authority. I have seen recommendations that the Secretary of State should have a statutory body of advisers in order to safeguard and protect the interests of the Services and officers appointed by him. This implies a want of confidence in the future Government of India, a want of confidence in their and the Legislature's *bona fides*, for which no circumstance of the past or present affords any justification whatsoever.

Taking these two questions together, my answer would be that the proper authority to answer these questions is the future Government of India itself, who should be the recruiting as well as the controlling authority.

Sir A. P. Patro : Sir, I have the misfortune to differ from the previous speaker on this matter, as I differed from him on the general discussion of the question. It is a very important matter, and it is therefore neither premature nor improper for this Committee to make any provision in regard to recruitment. The future Government of India will come into existence in whatever form it may be and whatever may be its responsibilities, the future Government certainly would not come in from the brain of a goddess, perfect, thorough in every matter, capable of doing things for itself. The future Government, either self-government or whatever it may be, needs the services of these two Security Services. If you admit that these Security Services are needed for assisting the Government to work on a stable foundation there is no doubt whatever in my mind that we require a European element in the I.C.S. and I.P.S. I have absolutely no doubt upon the matter that for a time to come we require their assistance. It is too much to think that the future Government will be able to settle down immediately as the Constitution is brought into existence, that the Ministers will be able to apply their minds to the requirements of the Services immediately they are called to office. Practical wisdom and experience will suggest to anyone who has been in charge of responsible office that it is highly desirable that the present system should continue for a time. How long it should continue it is not possible to postulate at present, but it is certain that the European element of recruitment is necessary for these two Services. As I say, the matter could be revised either in 1939 or at an earlier date. I am not wedded to any particular date, but it seems to me it is a very hazardous step to take that all European recruitment should be stopped immediately and that it should be left to the future Governments to determine it. After all, what is the future Government to determine in the matter of the Services ? We have the requirements known to us, the requirements of the Governments are known to us and, knowing that, if we shirk our responsibility we will not be discharging the duty of a self-governing body. After all, we are going to be a self-governing body ; it is ourselves, the Indians themselves. If we Indians have not been able to make up our minds as to what our necessities are, what is the good of our asking for self-determination and self-government in India. Therefore I would say that it is neither premature nor improper for us to determine the question at this stage. In reply to this question I would say that it is desirable to secure an element of European recruitment for the two Services, the Indian Police Service and the Indian Civil Service. If the ratio question is the one that is now disturbing the minds of some of my friends here, as I say, it is a detail which may be left to future Governments. The ratio question, as to how far, to what extent, and what proportion they would require, may be left to future Governments of the Centre and the Provinces. After they have settled down to their work for a period of 5 or 10 years, as suggested, till 1939, future Governments would be in a position to review the situation then and say what are the ratios that ought to be recruited. It is therefore a detail which must be left to future Governments of the Provinces or to the Central Government in 1939 after 10 years' experience of working of the present system, and a recruitment would be continued on that basis, the Secretary of State recruiting for the Services for that period. After that the Government of India may appoint its agent to recruit if it finds it necessary. If the future Government finds that the recruitment through the agency of the Secretary of State is very detrimental to the discipline and control of the Services and that such discipline and control has been such that it has not been conducive to the welfare of the administration, the future Government may determine to cease to have recruitment through the agency of the Secretary of State and the Government of India may have its own agency, and I am one of those who believe, after experience of some time, that we may be able to recommend that the Government of India may have its own agent here for recruiting purposes. As was suggested by our Chairman, these are matters of detail which require to be reviewed at the end of the period, but for some time to come the recruitment should be continued on the present basis.

Then as regards the control of the Services, it is quite plain now under the Government of India Act that the Secretary of State has got the power and control, no doubt, but the Secretary of State has been empowered to delegate that power to the Government of India and the Provincial Governments, and as a matter of fact the Secretary of State for India has delegated these powers to the Government of India and the Provincial Governments. The Secretary of State does not now retain any control himself ; the power has been delegated to the Provinces, and Devolution Rules have been prepared and are now in use. According to those rules discipline is in the hands of the Governor in regard to the reserved subjects, and in regard to the transferred subjects also the Governor personally disposes of that matter. Power and control and discipline now is vested in the Governor, and in the future when the distinction of the reserved and transferred subjects would be removed would be entirely with the local Governments and with the Central Government. Therefore the power and control is not such a difficult matter even now, and it will be vested in the Provincial Governments and the Central Government to control these Services. An appeal has been allowed to the Secretary of State as a final security, but before that appeal the officers

of the All-India Services have got the right to go to the Government of India and the Public Services Commission, according to the instructions given to the Public Services Commission. You will find that one of the functions of the Public Services Commission is to consider cases of discipline and other cases such as cases of stoppage of promotion. These will have to be considered by a body like the Public Services Commission. That is the right of the Government of India, and if the Government does not dispose of the matter it will be referred to the Secretary of State. Therefore the appeal of the Secretary of State has more or less been a matter of formality, but the matter is disposed of by the Central Government with the aid and recommendation of the Public Services Commission. Therefore the matter of control does now exist and vests in the Provincial Governments and in the Central Government. The devolution rules show that, and if you see the latest order of the Government of India issued by order of the Secretary of State you will find the whole matter has been clearly worked out. He divests himself of that ultimate power and gives it to the Government of India, who have made rules and circulated them to the Provincial Governments. Therefore the control does now exist in the Provincial Governments and it is not that the Secretary of State controls from the India Office to-day. This being the position in regard to control, there is no fear whatever that if we continue to have the All-India Services we cease to have any influence over the Provincial Governments or cease to have anything to do with the control of the Services.

Sir Shah Nawaz Bhutto : Sir, I had no mind to take part in this discussion, and I tried my very best to keep quiet, as I thought it better to do so, but unfortunately in this question if I were not willing to speak my mind I feel sincerely that I will be failing in my duty to all the millions and the masses—and most of them are loyal—who do not appreciate and realise the actual difficulties that we are faced with, and have to suffer the consequences of it. I simply want to submit a concrete experience and a very sad experience that we have had already by having a very little element of European officials.

The time may come when we shall not require their services any more, but those who show any anxiety to get rid of Europeans at the earliest possible moment are not really acting in the interests of the masses of India, and particularly of those interested in agriculture, who form about 85 per cent. of the Indian population. I feel, Sir, that it will not only be necessary for us to have a European element for some time to come in the sphere of agriculture, but it is essential that in irrigation engineering we should have for some time to come a European element. In 1929 in my own Province of Sind we had an abnormally heavy rainfall, and the river rose to 80 feet, the gauges recording the highest maximum ever attained on the River Indus. But in this important district we had fortunately European—English—engineers in charge. All the people of Sind were in a state of anxiety, because it was feared that almost the whole of our Province would be drowned, that it would scarcely be possible for us to save our lives, while property we never expected to save. What we found was that these European engineers, with their subordinate staff, maintained a constant watch on events and set up defensive bunds, with the result that, fortunately, the whole Province was saved from a disaster which none of us expected to escape. Unfortunately the system prevails of lending officials to other Provinces—unfortunately from our point of view, because in the following year almost all the best engineers had been taken away. In 1930 we were left with almost all the important charges in the hands of Indian engineers, and though they were very efficient engineers, they lacked a certain sense of responsibility which we Indians have not as yet realised to the same extent as our European colleagues. In 1930, however, we had not the abnormally heavy rains which we experienced in 1929, the river rose only comparatively slightly, and yet all the bunds gave way. Some of the Indian engineers were having a very pleasant time, and apparently could not make up their minds to surrender their comforts and go and watch the bunds day and night as the European engineers had done. On one occasion I found a European engineer maintaining the watch by himself—

Mr. Basu : Is this in order, Mr. Chairman ?

Chairman : I understand that Sir Shah Nawaz Bhutto's remarks are directed to showing that it is desirable to secure an element of European recruitment. He has dealt with two of the Services, and is at present dealing with the third.

Sir Shah Nawaz Bhutto : Yes, Sir, I want to see a European recruitment in the three Services. I have dealt with two of them, and the third is irrigation. I was speaking about this European engineer who was maintaining his watch on the bunds. He was remonstrated with for placing himself in a position of strain and danger, but his reply was that it did not signify that his own life should be saved, but he was out to save the lives of the people. As a result of that calamity, in one district about 300 villages were drowned ; in another district, about 250, and in a third about 150, and the people lost almost everything. Their houses and cattle were submerged. What almost every villager said was that if Europeans had been in charge of these defence works the calamity would have been avoided. I submit that we should not be carried away by sentiment, but in the interests of the masses of India we must have a European element for some time to come.

Mr. Basu : I am afraid Sir Shah Nawaz Bhutto is under a misapprehension. He probably thinks that as soon as the new Constitution is established all the Services that are then existing will become wiped out. The fact is that the Services will be there, and we have all agreed that the members of those Services should be duly safeguarded, and that such prospects will be held out to them as will make them continue in the Service until the normal termination under their covenants. It has been pointed out by Sir Chimanlal Setalvad and Mr. Chintamani that the proportion of Europeans at the commencement would be nearly two-thirds, and that would continue until the youngest man who enters the Service before the operation of the new system goes out in the normal course. Therefore, there will always be a preponderating European element, at least for a good many years after the start of the new Constitution. The fear that the European element will completely dwindle out as soon as the new system starts working is not well-founded. As regards what European officers can do under difficult circumstances and emergencies, and what Indian officers do under the same conditions, the last speaker's opinion and that of a great many others will differ. The Governments, both Provincial and Central, in India have repeatedly and emphatically stated that the Indian officers have stood the test of difficulties as well as European officers. A very much larger number of Indian officers in the Police Service have laid down their lives actually in the discharge of their duties than have European officers, and the Government has always come forward handsomely to recognise the way they have performed their duties. With regard to irrigation, there are many important Irrigation Departments which are controlled by Indians in my Province, and there has been no complaint of their inefficiency. It has been probably engendered in the minds of the people that the Indians are less capable simply because a great many of, if not all, the responsible posts have been in the hands of Europeans, and the Indian officers, however able and brilliant, have been kept in a position in which they have been able to exercise none of the final authority which they were fully qualified to do. If there was a Superintendent Engineer, who was a European, and under him five or six Indian Assistant Engineers, the latter would not be able to make any final orders without referring to their superior. That would probably discourage the sense of responsibility among them. That is an element which my friend has not considered, but it is a point which we must bear

in mind, and the Government of India does bear it in mind, because, not only in the Department of Police, but in other Departments, it has recognised that, when pushed into a tight corner, the Indian officer has shown as much resource and capacity as any European in the service of the Government of India.

With regard to the remarks of Sir A. P. Patro, he has suggested that the ratio of Europeans, both in the Provincial and Central Services, should be left to the respective Governments, and that they should decide as to whether, having regard to the efficiency of administration and the needs of the country, what proportion they would require. I am afraid I cannot agree with him on that point. He also appears to be under some misapprehension, as is my friend across the table (Sir Shah Nawaz Bhutto) that the European element will disappear. We cannot dispense with their experience in the every-day work of Government. But these experienced men will not be leaving us all at once. Under the Montagu Reforms, in the Provinces, certain very important Departments of State have been entirely provincialised under the control of an Indian Minister. We have heard of the Irrigation Department, but there is another which is probably more important, that which has to do with State buildings and Roads. A very large number of rest-houses and other big buildings in the district centres have been put up, and these are entirely provincialised under the control of an Indian Minister. Roads, again, are probably much more important to India than irrigation. In my Province of Bengal we are, indeed, over-irrigated. The Roads Department is in the hands of Indian Ministers, who have the control of all the officers in that Department. But it has not happened that all those officers who are Europeans have left during the past ten years, they are still there, and some of them are brilliant men in their respective professions. In irrigation we have one of the best irrigation engineers at the present day, namely, Professor Williams.

With regard to the question of the apprehension to which Mr. Fazl-ul-Huq has given expression that everybody will leave, I say that our experience is that they have not left even in the departments which have been already transferred to the control of the Legislature. They have not left, and it is not likely that they will leave. He may dogmatise by stating that it is likely that they will leave, but what is our experience ? A very small proportion undoubtedly have left, but it is a very small proportion. He knows it, and we all know it, and under the new system which will come the same thing is likely to happen. It is not likely that all of them will leave *en bloc*.

As regards the recruiting authority it has been suggested that it should be the Government itself, so far as the Central and the Provincial Governments are concerned, through an impartial Public Services Commission which should be above all political tendencies and leanings. The Government should recruit through the Public Services Commission, and conditions should be laid down as to the Services so that those who enter the Services will know exactly what they are and will not expect more than what they were given to understand at the time when they entered the Service.

As regards recruitment of British, as has been pointed out, that probably will have to be done from the young men at the Universities in this country. I think that we may be assured that whoever the agent of the Government of India is for the purposes of such recruitment in this country he will no doubt, as he often does now, consult the authorities at the several Universities, and other persons in authority who are concerned with the employment of young men, before the appointment is made. That will have to be done, because after all the Government of India will not come to this country to appoint incapables. They will find how to tap the best source. It is only reasonable that they should do so. As regards whether the recruitment should be by the Secretary of State for India or by some other agent, like the High Commissioner, I do not agree that it is a matter of indifference. It is indeed very important, because if you leave any such function in the hands of the Secretary of State the question of control comes in. Sir P. C. Mitter has said that in practice the control which the Secretary of State already has, has been to a great extent, or practically to its entire extent, delegated to the Central and the Provincial Governments in India, but he admits at the same time that the Secretary of State has reserved to himself the right to consider final appeals. The Secretary of State is not here, but if Sir P. C. Mitter will refer to him he will find the number of such appeals that he receives in the course of his ordinary duties almost every day. That shows that it will upset any decision to which the Government of India may come. The Secretary of State does that on occasions. I know of one or two small instances in the case of very small officers, low down in the grades, where the Secretary of State has upset the final decision of the Government of India. There is the control there. If the control is in the hands of the Secretary of State you come to the question of irresponsibility again. Therefore I respectfully submit that the recruitment should be by some agent of the Government of India as agent, not *qua* Secretary of State with some independent functions, but as agent of the Government of India, whatever that agency may be. With regard to the control over the Services as regards those who have already been recruited, we have agreed to safeguards. We agree to safeguards in every possible way. As regards those who will be employed hereafter, the Government of India should be the sole judge and should be the sole controlling authority.

Mr. Fazl-ul-Huq : There is an English saying which advises us not to wash our dirty linen in public. In obedience to that we all try to leave such linen in our washpots at home, but it appears that some of it has stuck to us in the course of our journey from India to England. It is necessary, therefore, to have in discussions like this a clear view of actual facts, and however unpleasant those facts may be, they ought to be stated in order to arrive at a correct conclusion. I wish to make my position perfectly clear upon one point. I do not agree with Sir Shah Nawaz Bhutto when he seeks to put the brand of inferiority on. Indians as Indians. I will not base my arguments on that, but I will, in a very few sentences, place before the Sub-Committee one or two facts which some of our friends seem to have forgotten.

There are three questions that I have to answer. The first one is: " Is it desirable to secure an element of European recruitment, and if so for which Services ? " My answer is emphatically, " Yes." The reason is not because European officers are *ipso facto* more efficient than Indians, but because of the fact that there is unfortunately at the present moment in India such an amount of communalism rampant that it is necessary in the interests of all the communities to have some men in responsible authority who have that idea of detachment which is necessary for an impartial decision. I have no doubt, sir, that if, at some future time, we could conquer England, and we came here to rule instead of you, we would be from various points of view perhaps better administrators than Englishmen of their affairs at home by reason of the detachment in which we should be placed. I am quoting facts. In the course of many of the communal riots that have occurred in India, I know what has been the position from personal knowledge. Telegrams have been sent to Governments both by Hindus and by Muslims to send down European officers, European judges, and European magistrates. We have done that hundreds of times. That was done within my knowledge in the riots in the United Provinces. I know that it was done by both communities during the Eastern Bengal riots. However much we may say about these European officers, I have found that, in spite of what may be said against them, in the vast majority of cases, they come to an impartial decision. In many cases they have decided against my community, and publicly speaking, perhaps I may have said that their

decision was not right. With my tongue in my cheek, I may have said many things, but I felt convinced that in most cases they were right, although the decision was against us, because they decided things from an absolutely detached point of view from communalism. That being so, I believe that every step should be taken, not only to maintain the European element that is already in the Service, but so to frame the Constitution as to induce the best people from the British Universities to go to serve India. That being my answer, I come at once to the other point, what are the Services. As regards the Indian Police Service, we have decided. As regards the Indian Civil Service, it is my firm conviction that if you once decide that it shall be a Provincial Service, there will be hardly any recruitment from the British Universities. I say that it is a fact, and it is no use speculating upon it. I will not be so egotistical as to refer to personal experience upon that point, but I had something to do with this question during the short time I held the portfolio of Education in Bengal. As has been pointed out, I know for a fact that we could not with the best of endeavours induce young men from the British Universities to go over to India for the Educational Service by reason of the fact that we had decided on provincial recruitment. That being my experience, if I answer the first question in the affirmative, I cannot consistently with my conviction answer the other question in the way in which some of my friends have suggested, namely that the Indian Civil Service also should be provincial.

Chairman : Will you assume that it should be All-India ? It follows from the answer to the other question.

Mr. Fazl-ul-Huq : Yes. As regards the Judicial Service, I quite realise that it is far more satisfactory to get recruitment from the Bar. I want to point out that according to the cadre of the High Courts, one-third of the judges have got to be members of the Indian Civil Service. Possibly if we decide in some other way, the cadre will have to be re-cast. At the present moment, you cannot get rid of the fact that one-third of the judges of the High Courts have to be members of the Indian Civil Service.

That being my answer as regards the Indian Civil Service, I now come to the question : " Who should be the recruiting authority for the recruitment of All-India Services under the new constitution ? " Upon that point I personally feel that the present system should continue, but I will not waste the time of the sub-Committee by giving my reasons, because the matter has been discussed already. I generally agree with the view that if there is a disturbance there, then we really affect our decision as regards the Indian Civil Service being good enough to attract the best graduates from the British Universities, because the graduates from the British Universities will not only look to their prospects in the Service, whether it is Provincial or All-India, but they will look to the method of recruitment. If we want to have a sufficient element of Europeans in the Indian Civil Service, I think that the recruitment should be All-India and not Provincial.

Sir Cowasji Jehangir : We are really discussing now one of the most important questions which the Round Table Conference can discuss.

Therefore, although I am going to answer these questions seriatim, as suggested by you, I might have to say a word or two in addition. I will take first the last question, No. 4 : " Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution ? " I have already stated that I consider that it should be the Government of India with a Public Services Commission. I cannot visualise a complete transfer of power or a full measure of government with the Secretary of State being the recruiting agency. I think that the statements are inconsistent. If you argue that there should be a full transfer of power and a full measure of government, it follows that a Secretary of State for India will not be required. Therefore, to say that for one Department of his work, namely, Services, his office should be maintained, is in my opinion inconsistent and illogical, but I cannot see the disadvantages of recruiting by a Public Services Commission appointed by an impartial authority and having the Government of India as the agency. That will not preclude them from recruiting in England. I will come to that point a little more in detail later. There I must again state that I do not think that we can continue to have the Secretary of State any longer connected with the question of recruiting.

Then the question is : " Is it desirable to secure an element of European recruitment, and if so, for which Services ? " I take it for granted that the Indian Civil Service and the Indian Police Service will be All-India Services. I say : " Yes," in answer to that question ; it will be necessary. It will be advisable, if not necessary. I think that the word " necessary " may be too strong a word to use ; it is desirable, it is advisable.

Sir Chimanlal Setalvad : In the question the words are " Is it desirable. . . ."

Sir Cowasji Jehangir : I answer that question in the affirmative. I quite realise the argument that has been advanced by my friends here that a large number of Europeans will remain in the Services even if recruiting stops immediately, but there is the argument that has been raised before now, that if recruitment stops altogether, it will be a further temptation for Europeans in the Services at present to resign upon proportionate pension, and that argument nobody has yet answered. Speaking for myself, I think that for a number of years, the want of recruitment will not affect Englishmen in India, but after four or five years with a large number retiring, there may be smaller and smaller numbers of Englishmen in India. Naturally, being isolated in a vast country like India, they will find it more difficult to continue to live in India. I advance that as only one argument for a small precentage of recruitment of Europeans to continue. There are other arguments in favour of continuing a small proportion of Europeans. I do not propose to go at great length into those arguments.

As regards the ratio I quite agree that that ratio should be decided by each Provincial Government as it is being done to-day more or less. The question of the number of those recruited is being decided to-day. The present system is that in the Indian Civil Service, or in the Indian Police Service, or in the Indian Irrigation Service, a review is made of what will be the requirements for a year or two in the future. The Governments inform the Government of India that they will require so many recruits for the Indian Civil Service, so many for the Police, and so many for Irrigation. The proportions of Europeans to Indians are fixed, but the numbers that they will recruit are varying. If the ratio even varies I cannot see how recruitment will be seriously affected. What will seriously affect recruitment will be if you stop recruiting Englishmen altogether for five or six years, and then start it again. That might be a considerable disadvantage, but if you varied the ratio from year to year, according to the requirements of each Province, that argument would not hold good for the reason that the numbers are being varied from year to year. It comes to the same thing when applied to this. You might recruit two Englishmen in one year and five Englishmen in another year. That happens now. Therefore if the ratio is changed the same result is arrived at. In one year you may recruit, by a variation of the ratio, five, and in the next year, two. I am sorry that my friend, Sir Shah Nawaz Bhutto, did not speak when we came to the question of whether Irrigation shall be an all-India Service or a Provincial Service. Evidently he was in favour of Irrigation being an all-India Service, but unfortunately he did not express his views. When the question had been decided by this Committee, Sir Shah Nawaz Bhutto came out with his tales of woe. I cannot agree

with all that he has said. I have no personal knowledge of what took place in 1930, but I consider it my duty to inform this Committee that it is within my personal knowledge that before 1930 on critical occasions in Sind, Indians have played their part most creditably in the Irrigation Department. I am most surprised to hear of the events of 1930, of which I have no knowledge. I am not in a position categorically to contradict what Sir Shah Nawaz Bhutto has said. If I could contradict it, I would do so. I have not the knowledge. In 1928, in 1927 and in 1926, I definitely make the assertion that in critical times Indians have played their part most creditably, and with the greatest distinction to the Services to which they belonged, whether they be members of the Imperial Irrigation Service or of the subordinate Services. It has been my privilege to have had occasion to reward them for that conspicuous service that they had rendered. I quite realise that Irrigation plays a most prominent part in the lives of the inhabitants of Sind, and not entirely for communal reasons, but for other reasons, I desire to see a continuance of the recruitment of a few Europeans in the Irrigation Department of Bombay if Sind continues to remain a part of Bombay. Therefore I again assert, although I do not know if I am quite in order, that I am strongly in favour of the Irrigation Department remaining an All-India Service. Sir Shah Nawaz Bhutto has also made a serious allegation. He said that Irrigation officers are lent to other Governments in India and outside the country when the Provincial Governments require them. He mentioned that English officers had been lent, and that the Province had been denuded of them for a particular time. I may state that there is a great demand by foreign governments and by other Provinces for our best Irrigation officers, and those Irrigation officers were lent, but they were not always all Europeans. On various occasions Indians were lent. I think that as many Indians as Europeans were lent to other Governments inside India and outside India. I maintain that English recruitment should continue. If it is argued that if these Services are recruited on an All-India basis by the Government of India, that recruitment will cease, and the source will dry up, I beg most respectfully to differ. If the position is clearly understood that the rights and privileges of officers under the new recruitment will be safeguarded as the rights and privileges of the present officers are, I can see no difference in the method of recruitment. The right of appeal may be to the Viceroy instead of the Secretary of State. If the right of appeal is to the Viceroy, what is the difference between the Secretary of State and the Viceroy? As a matter of fact, what happens now is, that appeals go from officers to the Secretary of State, and it will be necessary that the Viceroy should have assistance in the matter of deciding these appeals. He cannot do it personally. Cases may have to be worked up for him just as the Secretary of State does not personally go into every case that comes here on appeal. Is the Public Services Commission also to go into all these questions of appeals? Therefore I cannot see the real objection to moving recruitment from the Secretary of State to the Government of India if the questions of appeals are satisfactorily settled, and they can be satisfactorily settled if we desire them to be. I would appeal to you, Sir, and to all my friends, to consider this question impartially. It is a question of vital importance to India. Keeping in view our demands which we always maintain for a full measure of self-government, I for one am prepared to go any lengths, if that full measure of self-government is granted, to see that the demands of the Services are satisfied, and that recruitment in the future does not dry up, but I cannot bring myself to agree to the method of recruitment being any other than the Government of India, because I feel that it cuts across the whole principle of the grant of a full measure of self-government. That is the reason why I strongly object. I repeat that I feel that a method can be evolved whereby that bogey of appeal to the Secretary of State can be got over by an appeal to an authority who will be just as impartial and as just and equitable as the Secretary of State.

Lord Zetland : I have very little to say upon this subject because I said most of what I wanted to say upon an earlier head. Before I turn to the actual question to which we are asked to give an answer I would like to bear my personal testimony to the ability, professional capacity, and devotion to duty, of the many Indian officers in different branches of the Public Service who served under me during my time as Governor of Bengal. If I answer this particular question, which is now before us, as to whether it is desirable to secure an element of European recruitment, in the affirmative, it is not because I consider that in those respects Indians are in any way inferior to Europeans. My friend Sir Chimanlal Setalvad took me to task very kindly and courteously, for rather frequently bringing up the communal issue in India as an argument when I was dealing with questions of this sort. Well, Sir, if I may say so, I need not speak further on that aspect of the case, because Mr. Fazl-ul-Huq has already from his own personal experience given the answer. He knows I know, we all know, that one of the great assets of the European officer is his neutrality. I do not want to say more on that subject.

Now the next part of the question is "should any such recruitment be done by fixed ratio, for example, the Lee ratio for each Service, or on some other system." My answer is that it should be done on a fixed ratio and my personal preference would be for the ratio provided by the Lee Commission, which aims at securing equality of numbers as between Europeans and Indians in the Indian Civil Service in 1939 and in the Police Service in 1949. Sir Cowasji Jehangir has made an alternative suggestion. He would prefer that each Province each year should inform the Government of India not only of the numbers of Indian Civilians that they are likely to require in the future but also the proportions as between Europeans and Indians that they would like. Now, Sir, to my mind the objection to that is this, that in any one year it will never be known in this country how many vacancies there will be available to European candidates, and consequently the young men in the Universities here who are contemplating going in for a career in India as Indian Civilians will not know what their prospects of success may be. There may be two vacancies for them to compete for in one year and perhaps a dozen vacancies for them to compete for in another year.

Mr. Basu : Is there a fixed number now ?

Lord Zetland : It is worked on a fixed ratio.

Chairman : Taken year by year it works out exactly the same, 35 in one case, 12 in the other. Averaging it, it is the same every year.

Lord Zetland : Yes. Generally speaking, therefore, the candidates know what sort of prospects they will have of success, and for that reason I prefer a fixed ratio and preferably that proposed by the Lee Commission, and it seems to me that the year 1939, when under the proposals of the Lee Commission equality will be achieved in the case of the Indian Civil Service, will be a very suitable year for reconsidering the whole question, and I throw out that suggestion.

Now I come to the last point, which to my mind has been a little misunderstood by some of those who have taken part in this discussion, the question who should be the recruiting authority for the recruiting of the All-India Services under the new Constitution. Now, Sir, if the British Parliament had been intending immediately to abrogate all responsibility for the defence and good government of India I should no doubt have accepted the arguments put forward by Mr. Chintamani, and, I think, Sir Cowasji Jehangir; but that is not the position. The British Parliament does not contemplate, as I understand, abrogating to-day or next year all responsibility for the defence of India or for the

safety and security of India. The British Parliament will still retain a very important interest in the good government of India, and that being so the Secretary of State for India will have a great many more functions to discharge than Sir Cowasji Jehangir seems to imagine. Unless I misunderstood him, his argument was this, that if the Secretary of State is to remain the recruiting officer for the Indian Civil Service and Indian Police Service, that will be all that he will have to do, and that a Secretary of State should not be maintained for so trumpery a service. The Secretary of State is going to have a great many more functions to discharge than that. Let me try and explain to the Committee once more why candidates for these two Services in this country attach so much importance to the Secretary of State being the recruiting authority and consequently continuing to exercise, ultimately, control over their destinies. The reason is this, that the Secretary of State is responsible to the British Parliament. The British Parliament and the Secretary of State are things which the young men of this country know and understand, and they know that if in the last resort they have a real grievance, if their whole career is in danger of being jeopardised by some action in India, they have the appeal to the Secretary of State, and not only to him but to the British Parliament. That is what they attach so much importance to; it is the security in their careers, and, as I said earlier this afternoon, I really do feel sure that if you take that security away from them then the recruitment of young Englishmen from the Universities in this country will come to an end.

Now, Sir, there are one or two other points, but I do not think I need touch upon them, as regards communication, and so on. I have expressed my views, and I am quite satisfied that the Indian Irrigation Service, as the majority of the Committee desire, should be a Provincial Service and should secure such English expert engineers as it desires in the best way it can. Whether the Provinces will always be successful in securing the most proficient irrigation engineers from England, of course, I am not competent to say, but on the main question of what are known as the two Security Services, the Indian Civil Service and the Indian Police Service, my answers to these three questions are all in the affirmative.

Mr. Chintamani: Do I understand the noble Marquess to allege that to vote for continued recruitment in England, according to them, is also to vote for control by the Secretary of State and not by the Government of India?

Lord Zetland: Yes, certainly; ultimate control; control as it is exercised now. As has been pointed out, the Secretary of State under the Devolution Rules has transferred control for ordinary purposes to the authorities in India, but the ultimate control still remains. It is not competent for an authority in India to dismiss from the Service a member of either of these Services recruited by the Secretary of State for India, and that ultimate control I argue should remain as it does at present.

Sir Chimanlal Setalvad: I confess, Sir, that all that Lord Zetland has so eloquently said has left me unconverted on the main points, namely, as to who should be the recruiting authority and where should the control be.

I will not repeat the arguments I have addressed before. I do maintain that if India is to be self-governing in the manner intended, then the recruitment and control of the Services must vest in the Indian Government and not in the Secretary of State. I am quite aware of what Lord Zetland meant, that for some time the control of the Army and Defence is not to be transferred. It is perfectly true that that is so, but that does not conflict with the complete control by the Government of India of the All-India Services, and to my mind it is inconsistent with responsible self-government that control of the Services and the recruitment of the Services should be vested in some authority outside India. But when I say that recruitment and control should vest in the Indian authorities, it does not follow therefrom as some speakers have assumed, that there will be a cessation of the recruitment of European officers in the Services. The recruiting authority, namely, the Government of India, according to my idea, will still recruit European officers from England, as certainly they will deem it desirable to do so. Further, I maintain if the recruitment authority is to be the Government of India, then the ratio in which they will recruit Europeans and Indians should also be left to their entire discretion. You cannot give responsible government to India and, before you give it, bind them down to a particular ratio of one race to another, and it should be left to their good sense, their responsibility for good administration, to determine how many Europeans and how many Indians there should be.

It could be left to the Government of India under the new Constitution to do the right thing to maintain a proper standard on administration, and to preserve the European element in such administration. Further, it must be remembered that the present European element in the administration will be there for many, many years, and therefore, during the first few years of the new Government coming into power, there will be in full strength the European element to work the Constitution. We need have no apprehensions, accordingly, on that score, either that the European element will disappear or that there will be no European recruitment in the future.

I want to make clear this position, that though we have agreed to the I.C.S. being an All-India Service, this does not mean that the I.C.S. is to be maintained as at present in the sense of officering the various Departments it now officers. In that respect I do maintain that the present system under which Indian Civil Servants are drafted into the Departments is one which is not sound at all. We have an Indian Civil Servant recruited; he becomes an Assistant Collector in the Revenue Department; he knows nothing of the Civil law of the country, of the various systems of Hindu and Muhammadan law, but he passes certain examinations there in Criminal law, and all at once he is transferred to the Judicial Department. There he becomes a District Judge or Assistant District Judge, and he hears appeals in cases from the subordinate Judges, who are themselves trained lawyers in both Civil and Criminal law. The Bar in India has grown in efficiency and numbers, and the contrast between the equipment of the Civil Judge and the Bar is so great as to shake public confidence in the Courts. There are further anomalies. When you go to the High Courts you have Civilians drafted there who are not trained lawyers, and they are met with a trained Bar in the High Courts. That system about appointing Civilians to the Judicial Department and the High Courts has been a matter of great concern and controversy in India for many years, and we maintain that judicial appointments should be filled as in England by trained lawyers taken from the Bar. This is not a matter of Europeans versus Indians, but of proper training for the work to be done. I do not mind in the least if we import English lawyers to fill the posts, but whoever fills the posts should be trained lawyers, and not merely members of the Civil Service. In that connection it will be necessary to take steps to amend the relevant Sections of the Government of India Act.

Chairman: Our terms of reference are rather narrow, and I am afraid I must rule that the question as to whether Civil Servants should fill judicial offices is outside our purview.

Lieut.-Col. Gidney: For the reasons given by Mr. Fazl-ul-Huq and others, it is in my opinion desirable to have a European element, in each of the four Services named in Item (3) of the agenda. I agree with Lord Zetland that the ratio should continue to be as fixed by the Lee Commission, and that a revision might be undertaken in 1939 and 1949 for the I.C.S. and the I.P.S. respectively. As to who should be the recruiting authority for these services,

Lord Zetland rightly pointed out, that if we decide, as we apparently have, to continue recruiting Europeans into these Services—and I take it that the examination will be held in England—all candidates who appear for the examination must be given a sense of security. If recruitment and control were to be transferred to the Government of India it would result in a cessation of recruits. I therefore agree that the I.C.S., and in particular those members recruited in England should be placed under the control of the Secretary of State. It might be possible for those who are recruited in India to be placed under the control and recruitment of the Government of India, and those I.C.S. and I.P.S. candidates recruited in England placed under the control of the Secretary of State. This might obviate the difficulty and give adequate security to each class. But, as Lord Zetland has said, the men recruited in England must be given a sense of security. I do not think that India can, for some time to come, especially in the transitional stage of the new Constitution, do without a fair ratio of Europeans in the Services. We have had our lessons in the past to guide us. When the Reforms were introduced, Sir Cowasji Jehangir said they did not dislocate the strength of the Services. Nevertheless, within a few years after the Reforms began to operate, over 300 officers of the Superior Services resigned, largely from the Police and the I.C.S. I do not think it is the desire of the sub-Committee to repeat that experiment, because India is really taking on a heavy responsibility and burden in demanding a full measure of self-government, and she must retain the advice and assistance of its experienced British I.C.S. officers. I think it will be a long time before India can do without the services of the British element. I am not one who believes that you should always have them, but I do believe that India cannot do without their help and advice for many years to come. If the best type of English officers are wanted they must be given adequate security of service, and that security will only be possible for them if the Service is placed in the hands of the Secretary of State, and not in the Government of India in the new Constitution, a power which has yet to be created, and with which they are unfamiliar.

Dr. Shafa'at Ahmad Khan : We have been told by Sir Cowasji Jehangir and by Sir Chimanlal Setalvad that they do want a European element in the Services of the future. This element has been variously stated to be "necessary," "desirable" and "advisable." I think those were the words which were used. If it is necessary, then you cannot possibly have it without the intervention of the Secretary of State for India. As was pointed out by Lord Zetland, these men require security of service. I can say from my experience that in the Universities in India it is difficult, almost impossible, to secure the right type of European for many of the most important Chairs. I am speaking from an experience of more than seven years. If you really think that you are going to get your European recruits for the Indian Civil Service and the Indian Police Service through the agency of the Government of India, I can tell you that you are quite mistaken. Very few really brilliant, clever, and promising young men will come forward. They will demand, and legitimately demand, to know what is going to be their security in order that they may not really be left in the lurch when any important question arises. If Sir Cowasji Jehangir really thinks that the European element is desirable, if not necessary, in that case he should at the same time say that this element has to be secured through the Secretary of State for India. I do not see any consistency in desiring the European element on the one hand, and on the other hand saying that it should come about along a channel which is really impossible.

My second point is this : In 1919 and 1920, when the Reforms Act was introduced, there was a great deal of anxiety among the European members of the I.C.S. There was almost a revolution in the conception of administration at that time, and naturally the European members were anxious as to their future. They did not know how they would fare, nor how the Ministers installed by the Act would treat them. In spite of all those anxieties they have behaved splendidly. They rose to the occasion and served the Ministers with a fidelity and devotion and zeal which was testified to by Mr. Chintamani in his evidence before the Reforms Enquiry Committee in 1924. Sir Chimanlal Setalvad also expressed his obligation to the European members of the Services. I should like this sub-Committee to go through the evidence of other Ministers from the Punjab and the Central Provinces. The evidence given to the Committee by various Ministers from different Provinces is a storehouse of information as to the way the Europeans behaved. If you are doubtful whether they will serve you well in the future, if you fear that they may try to undermine or countermine the new regime, you should simply go by experience, you should see how they actually behaved, worked, and rose to the occasion in the past. If they have been loyal, faithful, zealous, and enthusiastic for principles which they opposed at the beginning, but to which they became reconciled in the end, what justification have you for entertaining suspicion that they will be hostile or lacking in zeal ?

Sir Chimanlal Setalvad : No one has said anything about hostility.

Dr. Shafa'at Ahmad Khan : In any case there is an idea that only the persons who are completely under you can serve you really well. That is the logical outcome of what you desire. At a time when they were practically independent of the Indian Ministers, when the Ministers had no authority or right over the officers of their Departments, at a time when those officers could go direct over the heads of the Ministers to the Governor, they yet served all those Ministers most faithfully and loyally.

Sir P. Pattani : Do you really mean that they would continue to go above the heads of the Ministers?

Dr. Shafa'at Ahmad Khan : I do not mean that at all. They would work the new regime as well as they have done in the past.

My next point is this: It is said by some persons that if the Government of India did not appoint members of the I.C.S. and I.P.S. they would have no control over them. I believe that is the argument brought forward by a number of speakers. Sir, according to the rules framed under Section 96 (*b*) (2), even now at the present time the local Government has got ample power over the I.C.S. and over the I.P.S. I will just read out Rule 10 under this Section :

> "The local government may for good and sufficient reasons (1) censure, (2) reduce to a lower post, (3) withhold promotion from, or (4) suspend from his office an officer of the All-India Service."

Here is a power which the local Government even now possesses. That power is ample for all practical purposes, and if any officer is really incompetent or cannot discharge his duties properly there will be absolutely no difficulty in any local Government resorting to one or all of these measures, as the local Governments have done in the past. I know of a number of cases where, on the intervention of the local Government, a number of members of the Imperial Service have been dismissed from the Service. The powers now possessed by the local Government are ample. All I suggest is that we should wait and see how this system has worked. The only test you really can apply in all these cases of a very complicated and intricate character is the historical test. If this test is applied I submit that we have no other alternative but to postpone the consideration of the ratio and keep the present ratio until 1939, when it will be proper for all of us to adopt the practicable system which experience has then shown to be the right one.

Chairman : Gentlemen, this to my mind is a really critical question. As Sir Cowasji Jehangir has said, it is one of the most difficult questions that this Round Table Conference has had to deal with. If I thought

that it would become any easier by further discussions I would suggest that the discussions go on. I am afraid that the point is here, that, however much we go on discussing it, we have got to meet it sooner or later. May I tell you as the one around this table who knows least about this topic, what my impressions of the whole matter are? They are these; first of all if your Constitution is going to be a success, you have got to learn to live happily together, and you will only do that by give and take and by giving way to what you may often think to be unreasonable prejudices. It is quite obvious to me after listening to this discussion that there are a considerable number of people around this table who for reasons good or bad attach the greatest importance to the continuance of an element of European recruitment at any rate for a time. There are many of you who attach but little importance to that, and who would regard it as a matter more or less of indifference as to what they may be, so long as they are the best. What I would suggest to you is this: Those of you who take the latter view may regard those who take the other as quite wrong and quite unreasonable, but that they do take the other view you none of you can doubt. As they take the other view would it not be better to answer this first sentence, "Is it desirable to secure an element of European recruitment, and if so, for which Services?"—in the affirmative, at any rate for a time? The word is not "necessary"; it is "desirable." I should think that this is desirable, and that all of you would think it desirable, if only for the simple reason that there are some of you who desire it. If some of you, or a considerable number of you, desire it, then it is desirable to have it in order to satisfy their doubts and hesitations. I shall therefore propose presently that we answer that question in the affirmative, at any rate for the time.

The next question is, "Should any such recruitment be done by fixed ratio, e.g., the Lee ratio for each Service, or on some other system?" My impressions of the conversation with regard to that matter are as follows: What obviously matters is that you should have as nearly as possible a constant number coming in in order that the authorities in our schools and Universities, also parents and guardians and so on, may look upon this as a definite career for their young men. At the present time you do get a constant number. One can easily verify that as a statement of fact. You can look at the records. No doubt it is the fact that the requirements of one Province differ from year to year, but taking them in all, it does work out that the requirement is the same each year. The requirement of the I.C.S. is 35, half of 70. The requirement for the Police is 12, half of 24. Therefore at the present time you do have a constant number of vacancies. It seems to me that if you answer the first question in the affirmative, at any rate for the time, it is a corollary from that, whether you accept this ratio or that ratio or any ratio, that you must take steps to see that the number of vacancies to be filled year by year is constant. Otherwise you cannot be certain of getting the best class of men.

Sir A. P. Patro: I would venture to suggest that there should be a revision of the Services in 1939.

Chairman: I agree again. We cannot deal with this matter for all time. It is sufficient to look ahead for nine years. We may deal with this matter after 1939.

Now we come to question (4).

Mr. Shiva Rao: Before we leave question (3) I should like to say that I absolutely dissent from both these recommendations.

Chairman: I am not suggesting that I shall be able to get a unanimous conclusion. I am afraid that that passes the wit of man. I am trying only to devise some resolution which at any rate might get a measure of consent, possibly a majority of the sub-Committee.

Sir Chimanlal Setalvad: When you, sir, say that the conclusion is that we should have a fixed ratio, we say that the ratio should be fixed by the new Government of India.

Chairman: I am coming to that in question (4), which reads: "Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution?" I am not quite sure that I agree with Lord Zetland here. My view would be this, subject to one consideration, and one consideration only, that the recruiting authority and the controlling authority must obviously be the same. I should like the recruiting authority and the controlling authority to be the Government of India functioning through a Public Services Commission in whom everybody would have the utmost confidence. But I do feel the force of Lord Zetland's objection to that. I know hardly any Indian Civilians, and I know very little about their point of view. I do not know what the Universities would think, but supposing that it is the fact, as we affirm, that if you abolish this right of appeal or right of control, or whatever it may be, to the Secretary of State, you will not get the best men. Supposing that we recommend that a Committee be set up, and the Committee when it is set up comes to the conclusion that perhaps it is prejudicial, and they tell us, after hearing the University people and so on, that unless there is some right of appeal to somebody in this country, you will not get the best class of men, then might we not consider some method of getting out of the difficulty?

Let any new entrant into the Service know that he cannot be dismissed without the consent of some functionary in this country so as to allay his doubts and his fears. After all, that in no way detracts from your status. I have often pointed out at Dominion Conferences that a simple element of status is the freedom to contract. If the Government of India find it necessary, in order to get the best men, to agree to allow somebody over here to act as arbitrator, if you like, in the event of a dispute arising between any particular servant and the Government of India, that might be a way out of your difficulty.

Sir Chimanlal Setalvad: The Government of India may do that if they choose.

Chairman: Certainly. The point is that we want to give some security in order to ensure your getting the best class of men. I should like to maintain my position. If I were satisfied, and I do not pretend to know one way or the other, that you would continue to get the best class of men, then I should vote, and if necessary I shall vote, for the recruiting and controlling authority being the Government of India, but as I have doubts in my mind as to whether, in the absence of any appeal or right of redress from this country, which is, after all, the country in which the parents, the guardians, the mothers and so on, of these young men will live, we shall get the right men, I should like to make our recommendation here, subject to whatever the Committee may tell us, if we decide to set up a Committee under No. 6. Those are the conclusions to which I have come. I will endeavour by to-morrow morning to draw some resolution if I think that on broad grounds of that sort I shall get a majority. May I take them step by step? First of all, shall I get a majority to say "Yes" to the first question? I will see who the Noes are. (*"Noes" were indicated by a show of hands.*) At any rate I get a majority. Then should I get a majority if I put it in this way: that until 1939 we think that nothing should be done to disturb the numbers which would result from the application of the Lee ratio?

Sir Chimanlal Setalvad: The ratio should be left to the Government of India.

Mr. Tambe: No, we do not want that.

Chairman: We can couple with that, in order to make it sweeter, that after 1939 the ratio should be left to the Government of India.

Sir Chimanlal Setalvad : The ratio should be left to the Government of India now.

Chairman : Supposing that I cast the resolution in this way, that until 1939 the numbers which would be arrived at on the Lee ratio should approximately be the numbers to be taken ?

Mr. Mody : Would not you rather leave it to this Committee, which is going to be constituted for the purpose of laying down the terms and conditions ?

Chairman : I wish that we could do that, but I do not think that we can.

Mr. Mody : I do not see any objection to the Committee doing it.

Chairman : It is hardly their function, is it ? We have got to tell them how many people we think ought to be secured. Then they have to tell us what terms and conditions there have to be in order to enable us to secure them. I think that that is really the way of looking at it. What do you say, supposing that I put some resolution upon those lines ?

Sardar Sampuran Singh : Cannot we leave it as the Lee ratio? But we can say: " until it is changed by the coming Government of India."

Chairman : The suggestion is that we should fix 1939, or any other date you like. There is no magic in a date. The suggestion is that we should fix some date, and make it plain that thereafter it is a matter for the Government of India to consider. That is the suggestion which I make in order to try to meet everybody.

Dr. Ambedkar : My view is that your recommendations should be applicable only to the Indian Civil Service and the Indian Police Service.

Chairman : I would agree to that, and I will make that plain.

Sir Robert Hamilton : Would you say " not later than 1939 ? "

Chairman : Sir Robert Hamilton suggests " not later than 1939." After all, we need not make a final absolutely definite Report. All that we want to do is to say that at some stage, not in the far distant future, the Government of India takes this job on, but that for a few years, whilst you are swapping horses and you are more or less in the middle of the stream, you had better have the thing fixed. I think that upon those lines I could get some sort of agreement. I think that Mr. Chintamani is adamant.

Sir Chimanlal Setalvad : There are several people who take the view that the ratio should be fixed by the Government of India. You can ascertain the number of those who take that view.

Chairman : How many would agree to the resolution which I suggest ? I am not purporting to word it now. How many would prefer to say that the Government of India should decide the thing straight away here and now. (*There was a show of hands with regard to each question.*) I should think that the previous one is carried, but it is not by very much.

With regard to (4), supposing that I cast a resolution upon these lines, that we desire the Government of India to take over both the recruiting and the control, but that, if it was apparent as the result of a Report of the Committee, that in the absence of some control, or redress, or appeal, or whatever you call it, in this country, you would not get the right type of man, then in that event we should advocate, since it is essential to get the right type of man, that there should be that appeal, or control, of redress, in this country.

Sir Chimanlal Setalvad : Should not that also be left to the Government of India ? If they find upon that enquiry that it is necessary to do the other thing, they will do it.

Chairman : Should I get anybody at all to agree with me upon that ?

Sir Edgar Wood : Of whom is the Committee going to be formed ?

Chairman : It is the recruiting and controlling Committee, but as I visualise it, it would be the Public Services Commission of India, which is set up by and under the Government of India, but which of course has a very large measure of independence which is essential to it.

Sardar Sampuran Singh : Will that right of appeal lie only in the case of dismissal ?

Chairman : I could not stand cross-examination upon that at the present time. It is only very vague in my mind.

Raja Narendra Nath : I think that on every point is should be given to them.

Lord Zetland : May I point out that I think that there is one other question involved in this ? As long as the recruitment and control is by the Secretary of State, the salaries of these persons are non-votable. If the recruitment and control were transferred to India, then presumably the salaries would come on to the various Provincial budgets, and that again will undermine the sense of security of the young men in England.

Sir Chimanlal Setalvad : When a young man is engaged, he has a contract. You cannot cut down his salary.

Lord Zetland : The amount required to meet the salaries of these Services is non-votable, and it is a first charge.

Mr. Basu : I would point out to Lord Zetland that there would immediately be an action at law against the Government of India if it went behind the agreement. There will be a contract to start with. There is a contract now, and the Government of India has no power under any system of law to act in breach of that contract.

Chairman : You will remember that no Civil Servant here has any contract at all.

Mr. Basu : In India they have.

Chairman : I do not pretend to know about that. I am told that the legal position in India is the same as here.

Mr. Basu : No, because they are all known as covenanted Civil Servants.

Sir A. P. Patro : The salaries of all-India Services are put into every Provincial budget, but they are non-votable.

Chairman : The point is, has a Civil Servant a contract ? In this country it is quite clear that he has not a contract. I do not know what the position is in India.

Sir A. R. Patro : It is a covenanted Service.

Chairman : I do not pretend to know about this. I am told that opinions have been given that the power of the Crown is absolute, and can override everything and that such security as you have by a contract is worth nothing, apart from the benevolence and generosity of the Crown.

Sir Cowasji Jehangir : That was the impression some time ago, but opinions have changed, and it has been held that the position is the same as in England. I do not see why if the recruiting authority is in India, some such system should not be evolved as there is at present where it is non-votable under the statute.

Chairman : I will try to cast a resolution upon the lines which I have suggested. Would anybody or would nobody agree to it ? I gather that nobody would agree to it.

Sir Robert Hamilton : I should like to see it first.

Chairman : The first consideration being to secure a supply of the best men, we have to take such steps as will get the best men. If we are advised that one of the necessary steps to get the best men is, to use a quite ambiguous word for the moment, some measure of control or arbitration, or seeing that justice is done, by somebody over here, then for that reason, and only in that case, would I agree with it. Subject to that, I think that the ideal thing is that the Government, through the Public Services Commission, should deal with this matter. Would anybody object to that ?

Sir Chimanlal Setalvad : With this variation, that if that advice is given to the Government of India, then the Government of India will take every step to institute some arbitration authority.

Chairman : It is for us to give advice. I am only contemplating the advice that we should give.

Sardar Sampuran Singh : One thing is not clear to me. There will be a right of appeal here, but will that be only in cases of dismissal or supersession ?

Raja Narendra Nath : Dismissal, supersession suspension, degradation ?

Chairman : I should think so.

Sir Edgar Wood : Will they give any assurances with regard to salaries and pensions ?

Chairman : I doubt if they could do that.

Lieut.-Colonel Gidney : Will you put it to the meeting, those in favour of the control of the Secretary of State, and after that, those in favour of the Government of India and appeal to the Secretary of State, and after that, to the Public Services Commission ?

Chairman : I will do that. As this is an important matter, I wanted to see if we could not devise some method by which we could get somewhere near unanimity. How many are there who desire the control of the Secretary of State as it exists at present to continue until 1939 ? (*On a show of hands,* 10 *voted in favour of this*). How many are there who desire the control to be vested altogether in the Government of India, without any appeal ? (*On a show of hands,* 10 *voted in favour of this*).

Mr. Mody : Might I suggest that we sleep over it ?

Chairman : I was going to suggest that. I was going to put: how many are there who feel that we should sleep over it ? (*Agreed*).

Mr. Mody : In the meantime, will we have the draft that you have been speaking about ?

Chairman : I have a difficult job to do. Would it not be well if you, Sir Cowasji Jehangir, prepared a draft too ?

Sir Cowasji Jehangir : Very well.

Chairman : We have all sorts of ingenious minds here. If we could turn this over and see if we can come to some kind of a compromise, I think that it would be very useful. Quite seriously I do feel that it would be a most unfortunate thing if, on a fundamental issue like this, this Committee of the Round Table Conference has to present a Report indicating that it is divided exactly fifty-fifty. That really would be unfortunate. Therefore I ask you all to sleep over it, and see if you cannot evolve some method of getting a large measure of agreement. We must not re-open all this discussion to-morrow. We will sit all day to-morrow.

(*The sub-Committee adjourned at* 5.40 *p.m.*)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE NO. VIII (SERVICES) HELD ON 8TH JANUARY, 1931.

Chairman : I have tried to put something down on paper recording our discussions, and, so far as we made them, our resolutions of yesterday. The staff here have had a try also, but I am bound to say that I should like a little more time before offering them up for your consideration and the treatment which I have no doubt that they deserve. I found in trying to draft the thing, that I was perpetually straying into the topics which are really covered by 6 and 7. I think that you will all agree that the discussions which we had yesterday did, to a certain extent, trench upon the desirability of having the Expert Committee and also the Public Service Commission. Therefore, subject to your better judgment, and I am quite willing to take whatever course you like, it occurred to me that it might be desirable this morning to leave 5 for the moment, because it strikes rather new ground, that is to say, the Civil Branch of the Indian Medical Service. That is a very important topic. I suggest that we leave it out for the moment, because 6 and 7 seem to me to be closely related to the subject matters which we have been discussing ; indeed, the draft resolution which I am trying to prepare contains certain recommendations concerning them. Therefore may I take it that I have the sense of the meeting with me in suggesting that we now proceed to discuss 6 and 7 ? (*Agreed*).

Six is: " The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees:—and if so, whether any definite recommendations should be made for the guidance of such Committees." Of course, this is entirely for your judgment. What I had in mind that we might do was to suggest that the Government of India set up this Committee. Let this Committee, therefore, be the creature of the Government of India, appointed by the Government of India, and the personnel, selected by the Government of India, in which case, of course, the Committee would report to the Government of India.

Sir Provash Chunder Mitter : Should the Committee be appointed before or after the new Constitution ? That is rather important.

Chairman : That is one of the matters upon which I should like to have the assistance of this present sub-Committee.

Lieut.-Colonel Gidney : Will this future Committee consider the question of the recruits for the Superior Services or for all Services ?

Chairman : Certainly with regard to all the Superior Services. I do not know whether it would extend to Provincial Services or not. If it was appointed by the Government of India, it would be rather trespassing upon the preserves of the Provinces if it considered Provincial matters. Certainly I anticipated that it would cover all Superior Indian Services, such as the Indian Civil Service and the Indian Police Service.

Sir Provash Chunder Mitter : The question of the British personnel of the Services is an important one. To-day under the Provincial Governments we have British personnel. It may be quite open to the future Government of India, in consultation with the future Provincial Governments, to include as one of the terms of reference whether the Provincial Governments should have British personnel, and, if so, on what terms and conditions ?

Chairman : Certainly. All this is a very proper subject matter for discussion under this head, and I think that we will now discuss No. 6.

Mr. Chintamani : Sir, in my humble opinion, the question of what conditions are required to attract and retain future recruits of the right type should be a matter, in the first instance, for consideration by the future Government of India itself. Either the Government of India will feel that the question is easy enough for them to answer without the guidance of a technical Committee, such as is suggested here, or they will feel that they should fortify themselves by the advice of such a Committee before reaching any conclusions. In the former event, it would place them in a somewhat difficult and delicate position for us to make a formal recommendation that they should set up such a Committee. In the latter event they will have authority to set up such a Committee, even in the absence of a recommendation from us. In other words, I am of the opinion, as I have been on previous points, that it is not necessary, and therefore it is not desirable, for us to attempt to fetter the discretion of the future Government of India by giving advice, or by making a recommendation, which will really place them in a somewhat delicate position. My observations apply also to the latter part of head 6, which was added yesterday, on the suggestion of one of my colleagues, namely, " whether any definite recommendations should be made for the guidance of such Committees." It follows from what I have so far said that to me, this question does not arise at all, as I do not think that we should make any recommendation that the Committee should be set up. Assuming the general sense of this sub-Committee to be in favour of recommending to the Government of India what is mentioned in head 6, even then you may trust the Government of India to the small extent of stating their own views for the guidance of such Committee or Committees, instead of our going further and acting as guardian to them by telling them, not only that they must set up a Committee, but also what they should tell that Committee to do. In the result, my answer to the question contained in head 6 is a negative answer with regard to both the first part and the second part.

Lieut.-Colonel Gidney : I am sorry that I cannot agree with my friend, Mr. Chintamani. I believe that there is a necessity for some Committee being appointed, although I am bound to admit that at present there is a Public Service Commission in the Central Government, which does deal with these matters. My reasons for wanting this, and for agreeing with the latter part, with regard to definite recommendations, are two. First, I consider that whatever Committee may be set up it should have some representatives of the minority communities on it. Secondly, there should be a specific instruction to that Committee that the interests of the minority communities should be safeguarded. It is for those reasons that I support this.

Mr. Chintamani : On a point of order, I think that it was decided yesterday that the question of minorities and allied questions might be discussed under head 7 when we come to the recommendations in relation to the Public Service Commissions. The specific purpose of this Technical Committee is stated in the clause, and I do not think that this can be explained in the manner suggested.

Chairman : I rather feel that, Colonel Gidney. I rather feel that there is great substance in that point. After all, we cannot possibly advise the Government of India as to what personnel they should select, can we ? We can clearly say with regard to the Public Service Commission that the Public Service Commission should take steps to see that the various minorities are given their proper share of any posts that are going, but I do not think that it would be practicable to state to the Government of India that they must have on the personnel of their Committee representatives of this or of that minority. I have not a shadow of a doubt but that they would see that they so selected the personnel of the Committee as to make it fairly representative of opinions as a whole, but I should suggest to you that we could not practically ask for that. If that is pressed as a point of order, I am inclined to think that the point of order is a good one. I think that the point which you raise, Colonel Gidney, really comes under 7 rather than under 6.

Dr. Ambedkar : Sir, I must say that I do not hold a very strong opinion on the question as to whether there should be a Committee appointed or not, in order to give guidance to the future Government of India, but there are two matters upon which I do hold a very strong opinion. The first is that I think the time has arrived when, instead of having one common Indian Civil Service to man all departments, we should have hereafter some provision made for the specialisation of Services in order that efficiency may be more greatly secured than it is now. I am not going to say anything as regards the capacity of the Indian Civil Service, because I think that it is generally admitted that it is a capable Civil Service, but, notwithstanding that, I do maintain that the kind of training that one gets in the Indian Civil Service is not sufficient for the discharge of certain duties in certain technical, or otherwise specialised, departments. Consequently it is necessary that some reorganisation should take place in the Indian Civil Service in order that we may get greater efficiency in the Service. That is one thing upon which I feel very strongly. The second point upon which I feel even more strongly is that, although we are all agreed that there must be Indianisation in the Indian Civil Service, and that there must be more rapid Indianisation in the Indian Civil Service than has been contemplated hitherto, my submission to the Committee is, that, looking at the problem from the standpoint of the Indian taxpayer, it is far more necessary that this Indianisation should not merely be a change in the personnel of the Service, but the Indianisation must be accompanied by some lowering of the burden on the Indian taxpayer. There must be some differentiation in the remuneration, the salary, the pay, and the pensions, and other privileges of the Indian element of the Indian Civil Service as compared with what is granted to the European element of the Indian Civil Service. In this connection I should like to draw the attention of the Committee to the recommendations made by the Donoughmore Commission for the Constitution of Ceylon. At page 133, they recommend that the Ceylon Government should hereafter appoint a Salaries Commission, and with regard to that Salaries Commission they make a definite recommendation that there shall be a differentiation in the remuneration of the European element in the Ceylon Civil Service and the Ceylonese element in the Ceylon Civil Service. This is how they justify it : " On the merits of the case it is clear that there is no logical justification for remunerating both classes of public servants on the same basis. In one class are a body of men exiled from the temperate climate which is their birth-right and posted in a tropical country thousands of miles from their homes ; a country in which it is impossible for them to bring up their children and from which it is essential for the sake of their own health that they should proceed on leave of absence at regular intervals ; a country in whose service they are compelled, not only to face all the difficulties involved in the maintenance of dual establishments, the risks to their health and the personal sacrifice of family ties, but also to preserve at considerable cost a standard of living and hospitality in keeping with their own traditions and those of a Service which, for over 125 years, has represented a great Imperial Power. Side by side with them are men living and working in their native country, with their homes at hand, subjected to none of the climatic difficulties and to only a part of the financial burden imposed on their European colleagues. It is obvious that the former class of public servants must be paid a salary sufficient to compensate them, over and above

the actual value of the work performed, for the personal risks and sacrifices involved in its performance. There can be no logical justification for extending to the latter the compensation necessarily paid to the former." I think that these observations apply with equal force to conditions in India. If this sub-Committee accepts the two points that I am placing before them, namely, the necessity for diversification in the Indian Civil Service, and also the necessity for differentiation in the remuneration between the two elements in the Indian Civil Service, then I think that it is a necessary corollary that there ought to be some body set up to advise the Government of India to carry into effect these recommendations. It is for those reasons that I support the suggestion that, after the new Constitution is brought into effect, the Government of India should be empowered to set up such a Committee as is recommended in head 6.

Chairman : May I say for the guidance of the sub-Committee that, as our terms of reference are the relations of the Services to the new political structures, obviously we cannot go at great length into the question of salaries ? At present there is a differentiation in the pay of officials based upon what is called non-Asiatic domicile. I expect that you all know about this. The difference comes to this, that those who have a non-Asiatic domicile get what is called over-seas pay, which is an addition of about £300.

Dr. Ambedkar : I think that that really hardly touches the point. You can create differentiation by adding something to the European salary. That is no relief to the Indian taxpayer.

Sir A. P. Patro : I think that the reasons given by Dr. Ambedkar necessitate a reply in the affirmative to the two questions propounded in head 6. I think that he has very strongly put the case of enquiry in the matter of Indianisation. The reference as it goes is, what conditions will be required to attract the right recruits ? That is a very important thing. If the Committee thinks that the present conditions should be altered and changed in order to attract the best men, then the Committee will consider that aspect of the matter, and, therefore, it will be necessary to have a Committee. The other feature is, that it is said that the future Government of India should have the right of looking into the matter, and considering what would be necessary according to the circumstances which may arise then. I fear that there is a notion that the future Government of India will be so radically altered that the ministers would do everything that they could to revolutionize the existing system. The sooner that we forget that, the better for us, and then we would be more reasonable in our conception of these conditions of service.

After all, we know there is to be only a limited responsibility in the Centre. The responsibility of Ministers will be restricted. Therefore we should consider from past experience that there should be some guidance to the future Government of India, which must not be allowed to start with a blank cheque. It is purely a business matter, and my reply would be in the affirmative to both parts of Item No. 6.

Lord Zetland : On the whole I agree with Mr. Chintamani in his views on this question. I do not see much advantage in postponing to another Committee the decision as to the two important points before us, namely, whether it is desirable that there should be continued recruitment of European officers, and, if so, whether the recruiting authority should be the Secretary of State or some other body. If the Government of India wish to set up yet one more Public Service Commission they are entitled to do so, but we have had a great many Public Service Commissions in the past, which have gone into great detail regarding the conditions of service, and to suggest to the Government of India that it is desirable to appoint another of these Commissions is really beyond the scope of this sub-Committee. There is a large measure of agreement on the first of these questions, that there should be continued recruitment of European officers. The real difference of opinion is as to whether the recruitment should be by the Secretary of State. Those who take my views, namely, that if you withdraw the security afforded to recruits by recruitment by the Secretary of State you will not get European recruits, naturally agree with me that the present position should continue. There are other members of the sub-Committee who apparently think that you will still get European recruits even if you deprive them of the security which up to now they have always most strongly demanded. In favour of my view is the practical experience of the past nine years. Sir Provash Mitter gave us some interesting observations, and said that though in Bengal they offered salaries nearly double the ordinary rate for educational officers they had been unable to secure the European recruits they required, and Dr. Shafa'at Khan gave us further examples to that effect. Therefore I suggest that since this is a representative sub-Committee, and since there is a fundamental difference of opinion on this question, we must accept that position, and say that opinion is divided, that a part of the sub-Committee—it may be a majority—consider that if European recruitment is to continue it is essential in order to obtain the right type of recruit that the security provided by recruitment by the Secretary of State should continue, but that other members of the sub-Committee consider that on other grounds it is desirable that the recruitment should in future be effected by the Government of India.

Sir Provash Chunder Mitter : I am inclined to think that it would be advantageous to appoint such a Committee some little time after the new Government of India has been constituted. There is, on the one hand, a natural apprehension on the part of the British recruit, who will be called to serve under unknown conditions. He naturally feels more confident if the recruitment is by the Secretary of State. On the other hand, it is natural for the Indian Minister to feel that he should have control over the Services. There we have the two fundamental difficulties. It is true that we have had Public Service Commissions ; there was one such Commission on which Lord Zetland served, and we have had also the Lee Commission under the present constitution. But if we are going to have a new constitution I would give it two or three years' trial before setting up such a Committee. There is no difference of opinion that if we want European recruits they should have ample safeguards. But the Indian Ministers naturally want control over the Services, be the members of the Services British or Indian. It is not so much a racial question as a question of adjusting the two difficulties I have mentioned. I should like to add a word with regard to the point made by Dr. Ambedkar. The basic pay is supposed to be the same for the British and the Indian, but we give an overseas allowance, which is meant to meet the difference between a man serving away from his country and one serving in his country. With regard to the point as to whether the Indian in the All-India Service is getting adequate pay, or pay which is too high or too low, that does not really come within our province. But if it came about that we wanted to have an All-India Service even of Indians, we should have to take into account All-India conditions. From that point of view it may be desirable to set up a Committee, as also from the point of view of ascertaining what duties should be allocated to All-India Services, but in my opinion we should recommend that such a Committee should be set up at least two or three years after the new constitution.

Mr. Basu : We have not the materials before us which will enable us to make a recommendation. The new Government may appoint one or more Committees, one, for example, to deal with the scientific Departments, like those of Forests, Agriculture, Scientific Instruction, Research, and so on, and another to advise it as to the appointment of judicial officers of the various Courts. I do not see how we can go on with this recommendation. I agree with Mr. Chintamani that the recommendation of the appointment of a Committee at this stage is premature.

Sir Chimanlal Setalvad : Lord Zetland says that he agrees with Mr. Chintamani, but their agreement is no agreement at all. They are as wide asunder as the poles. According to Lord Zetland, Item No. (6) is unnecessary, because we should here and now decide that the present system of recruitment and control by the Secretary of State should continue. Mr. Chintamani, on the other hand, says that the power of recruitment and control vested in the Secretary of State should immediately go. That is quite contrary to Lord Zetland, but Mr. Chintamani also says that Item (6) is not necessary. Therefore the alleged agreement is purely superficial, and the real difference between the two is irreconcilable. In view of the very marked difference of opinion in this sub-Committee on the main question, whether the control and recruitment should remain with the Secretary of State or go over to the Government of India, I do not think it would be proper for this sub-Committee to say what Lord Zetland wishes it to say, that the present system should continue. On the other hand, as I pointed out yesterday, both logical and practical considerations require that the new Government of India should have complete discretion in the recruitment of Services, and they can well be trusted to lay down the conditions in such matters in respect to recruitment as to secure for them the materials they most require. Therefore I am in favour of giving no directions in the matter, but leaving it to the Government of India that will come into existence to exercise complete power in respect to recruitment and control. Having said that, I am not against the recommendation contained in No. (6) that the Government of India when constituted may or should set up a Committee.

Mr. Basu : One Committee ?

Sir Chimanlal Setalvad : It does not matter whether it is one or more. Committees should be set up to go into the whole question of the conditions of recruitment. But I would go no further, and I would not have the last part of Item (6), " whether any definite recommendations should be made for the guidance of such Committees." I would not give any definite recommendation. In view of that, and having made it clear that my view is that the recruitment and control should go to the Government of India, I am quite willing that we should recommend that the Government of India should set up a Committee for the purpose of advising them, as to the conditions whereby recruits of the right type might be attracted and retained.

Sir Robert Hamilton : I think Sir Chimanlal Setalvad has put his finger on the real point of difficulty. Those of us who believe that there should be no change in the present system of recruiting, and have suggested that 1939 would be a suitable year for revision, would consider that to appoint a Committee now to go into the matter would be premature. Those who think that the whole recruitment should go over to the Government of India, on the other hand, would naturally be prepared to put the whole matter before a Committee for consideration. That is the real difference. Those who think there should be no change consider that this advice would be premature, whereas those who think that the change over should be made immediately would naturally not be averse from seeing a recommendation of this sort being made. I have already expressed the view that I think no change should be made immediately in the present system, and therefore I think it would be premature to set up a Committee.

Mr. B. Shiva Rao : I think it is desirable to appoint a Committee, but only after the new Government of India has been brought into existence. The functions of the Committee should be somewhat on the lines of those of the Commission appointed as soon as the South African Government was created in 1908, namely, " for the reorganisation and re-adjustment of the Departments of the Public Service." Amongst the functions of that Committee may be that to which Dr. Ambedkar has referred. But as this paragraph stands, taken in conjunction with Item (3), it seems to me that it is very much like foreshadowing the appointment of another Lee Commission, and I think it is inconsistent with our demand for self-government that we should suggest any steps to be taken by the new Government of India for the attraction and retention of future recruits of the right type from this country. Sir Robert Hamilton said yesterday that it is not necessary to be logical in all matters, but his colleagues in the House of Commons to-morrow would say, " here are the advocates of a full measure of self-government confessing that they have not confidence to run their own Government, and therefore coming to the Universities of this country." It would be better to be honest and say that in your opinion we are not fit for self-government.

Sir Cowasji Jehangir : If we come to a decision on this part of our agenda (No. (6)), and regard it as desirable that technical Committees should be appointed for this purpose, then, whether by the Secretary of State or by the Government of India, conditions of recruitment will have to be reconsidered, because the whole of those conditions are going to change. I think Lord Zetland would admit that even if the Secretary of State is going to recruit in the future, and if the conditions in India are going to change even as he visualises them in a narrow way, not in a broad way—

Lord Zetland : I do not agree with the narrow way at all.

Sir Cowasji Jehangir : Then if they are going to change in a broad way, the conditions of recruitment will still have to be reconsidered.

Lord Zetland : Surely the Government of India would be quite as competent to do that as anybody else. The Government of India are quite competent to appoint Commissions when they consider it desirable to do so, without a sub-Committee like this telling them what they ought to do.

Sir Cowasji Jehangir : May I point out that we are here in sub-Committee to make suggestions as to recruitment and how it is to be recruited, and Lord Zetland himself yesterday told us that he was definitely of opinion that if recruitment was done under the agency of the Government of India the sources of recruitment would dry up. There is a fundamental difference of opinion. Some of us believe that recruitment will not dry up, if recruitment takes place under the Government of India, and therefore in order to decide that point surely a Committee will be necessary. Lord Zetland appealed to many of the delegates to go and consult the University authorities in the United Kingdom—Scotland, England and Ireland—where we draw our recruits from, but is it possible for us in the short space of time that we have got available to go and visit these Universities for evidence, under the different and altered conditions which will prevail ? Lord Zetland's experience, if I may say so with great respect, is entirely in connection with the present constitution, but if we definitely came to the decision that all recruitment was to be through the Government of India and it was not possible in the future to recruit through the Secretary of State, then the Universities and the authorities will look upon it from a different point of view ; they will ask us, what do we mean by the Government of India ? Who is the authority in the Government of India ? We will have to answer those questions to their satisfaction. We cannot do that here, we are not in a position to do it, and therefore a Committee is necessary. Sir, I think the majority are in favour of answering the question " Is it desirable or not to have European recruitment ? " in the affirmative. Being fairly sure of that, I say definitely that a Committee is necessary.

I quite agree that on No. 4 there is doubt as to where the majority is.

Now, Sir, the wording of No. 6 is not as wide as Dr. Ambedkar would like it to be. He has raised

points which do not really, in my humble opinion, fall under No. 6. No. 6 is the question of appointing a Committee purely for conditions of recruitment, while Dr. Ambedkar has gone a little further than that. Whether it is in order or not I am not quite sure, but I should just like to say two words about that. I quite agree that in technical and special departments of Government special training is required, and whether the training given to an I.C.S. man is suitable or not is a moot question, but the point we are discussing is the Indian Civil Service and the qualifications that are required for that Service. If the qualifications required for that Service are to be as high as they are to-day, how are they to be recruited ? There are many other Englishmen serving in India under special contracts for special branches of specialised work : electricians and a large number of other branches. They are recruited by special contract. Those posts are not filled by the Indian Civil Service. I admit that their contract sometimes lasts 15 or 20 years, renewable at 5 years ; I have known men serving in India for 20 years on contracts renewable at 5 years. That is quite a different matter ; we are not discussing that matter, but I quite admit that in Telegraphs, Posts, Customs, which are specialised Departments, the Indian Civil Service are now serving in these Branches and playing a most important part, and I would suggest that if we require the same quality of man for these Services : Posts, Telegraphs, Customs, etc., and if the foundation is to be the same, you must draw these men from the Indian Civil Service ; but I have always felt that those men must be made to go into those Departments from the very beginning, and must be prepared to stick to those Departments throughout. If a man is to be sent into the Customs and to learn Customs work, which is very specialised, after a certain stage and if his qualifications are to be those of an Indian Civil Servant—the foundation is to be of that quality —then let him go straight into the Customs after passing his examination. If he is to go to Telegraphs and Posts, let him go straight there. But if you want a man of a lower quality and the foundation is not to be so strong, then he comes into the Provincial Services, he does not go to the I.C.S. That is the distinction in all Departments, what quality of man you want. If you want the best quality he must come from that Service. If you want the lower quality then you have your Provincial Services, with lower pay.

Then, Sir, as to two grades of pay in the I.C.S. for Indians and Englishmen, that has been considered and discussed over and over again, and my friend Dr. Ambedkar will remember the strong objections that many Indians have to serving in the same Service with Englishmen at a lower grade of pay. They have strong objections, but I quite admit that the force of argument is much stronger and much more favourable to having two grades of pay. I do not see why an Indian, even with the qualifications of an Englishman, in serving in India should demand the same pay as an Englishman. The answer in short is this, which is put up by the Indian members of the Civil Service, that their standard of life is much higher when they are members of the Indian Civil Service—as high as an Englishman's. Their children are very often educated in this country and it costs them more than it costs an Englishman. We have heard those arguments before and I do not wish to repeat them, but I think it is a matter for consideration ; it is not a matter we can decide straight off, and therefore a Committee is necessary. I do say that the members of the Indian Civil Service have got some grounds for complaint. Whether those complaints can be over-ruled, and whether we must insist upon Indians serving in the very highest services with the highest qualifications at lower pay than Englishmen or not, is a question I should like to be reconsidered.

Sir, we have got really to decide on Question 4 : that is the main thing. I think a Committee is necessary whatever way Question 4 goes, whichever way the majority vote, because it is dependent upon the recruitment of Europeans. Therefore I would certainly vote in favour of having a Committee, whatever way No. 4 may be decided.

Major Stanley : I cannot help feeling that the Committee has perhaps taken too much to heart Sir Robert Hamilton's warning against logicality. It does seem to me that in this discussion we are getting into such impracticable conditions, which was perhaps the sole reason for the temporary agreement between Lord Zetland and Mr. Chintamani.

This question can be divided first of all into these two parts : is this suggested Committee to be set up immediately, or is it to be set up after the coming into existence of a new Government of India ? All those who have argued so far in favour of the Committee being set up have said that it is not to come into existence until after the new Government of India is set up. If that is so, if the recommendation of this sub-Committee takes the form of recommending a new Committee to be set up, how is it to be given practical effect ? It can certainly be given practical effect if the recommendation was that a Committee should be set up by the present Government ; but is it suggested that in an Act of Parliament a clause should be inserted that the new Government of India, when it comes into being, is to set up a technical Committee to deal with the exact conditions of the Civil Service ?

Sir A. P. Patro : The Committee should come into existence immediately.

Major Stanley : That, of course, disposes of the matter that those who think it should be set up immediately are on logical ground. What is it to decide ? It seems to me, from what people round the table have said, the position falls into two parts ; one is dealing with the practical question of rates of pay, and conditions in the distribution generally of the Civil Service. Whether it is to be technical, specialised or not, seems to me to be clearly outside the terms of reference of this Committee. The other part is really a suggestion that this technical Committee should be asked to solve the main questions which have been laid before this representative sub-Committee and which I think we are trying to postpone to another body. I agree with Sir Cowasji that really the great function for this sub-Committee is to decide the main principle laid down in No. 4, and if we are unable because of fundamental differences between us, to come to an agreement on that point, to state it and realise that the people responsible for the drawing up of the new constitution will have to decide it, weighing the arguments which have been used for and against the proposal by the members of this sub-Committee. Therefore I am opposed to answering No. 6 in the affirmative.

Mr. Shiva Rao : May I draw your attention to Section 141 of the Constitution of South Africa : " As soon as possible after the establishment of the Union the Governor-General in Council shall appoint a Public Services Commission to make recommendations for such re-organising and readjustment of the Departments of the Public Services as may be necessary. The Commission shall also make recommendations in regard to the assignment of Officers to the several Provinces." This is quite distinct from a permanent Public Services Commission, for which separate provision is made. So there is a precedent for this.

Major Stanley : If those who are asking for Dominion Status have no objection to the Parliament of this country legislating for the future action of the new Indian constitution, I certainly have no objection.

Mr. Mody : Sir, I feel that whichever way you look at it a Committee such as the one under consideration would be necessary in any case. If you decide that there shall be recruitment of Europeans in the future, even then it will be necessary to have a Committee like this, for the reasons which I gave yesterday. It may be my own personal reasons, but I have a very strong feeling on the matter, and that is, putting

it again very briefly, that it would be impossible for India to maintain Public Services on a scale on which they are maintained at the present moment, particularly if you consider that the strength of the Services will have to be enormously increased in the very near future. I quite recognise that it will be impossible for the European in India to have the emoluments of the Service reduced. The basic pay for the same sort of work is the same, but the man who comes out to India, or, conversely, the Indian who comes here, on account of the fact that he would be serving away from his home, should have an adequate overseas allowance, and I think it would be quite practicable to reduce the scale of remuneration all round without affecting the recruitment of Europeans, and that would be done, as I say, by giving the European who came out to India an adequate allowance to enable him to maintain a decent standard of life such as he has a right to expect, and to enable him to maintain two homes, as he very often does. If you do not decide that, and if you come to the conclusion that hereafter there should be no recruitment of Europeans, then the case for the appointment of a Committee like this becomes even stronger, because under all circumstances I feel that the scale of pay of these Services must be brought down more in relation to the hard facts of life as exist in India to-day. The permanent officials in other parts of the world serve on a much more modest remuneration than those who serve in India, and in India herself there are many officials outside the Service, discharging very important functions, functions no less important than those exercised by Assistant and District Superintendents and Magistrates, who get nothing like what the I.C.S. get. In my opinion it is very essential for a Committee like this to be set up. Major Stanley made a point, and there is something in it. He wanted to know why it was that everybody was suggesting that this Committee should be brought into existence after the new Government came into being. I do not hold that opinion at all. My feeling is that just as you are going to set up other important Committees deciding upon equally important questions, such as franchise and everything else, so you can, as a part of your recommendation, say that a Committee should be set up at once by the Government of India. The great advantage of doing that would be that it would do away with our differences on many points if such a Committee—I will put it quite frankly before you—is brought into existence. If it makes certain recommendations it will depend entirely upon the nature of those recommendations what the proportion of Europeans in the Service may be. Therefore I feel very strongly that the appointment of a Committee like this is not only essential but ought not to be delayed at all, and that simultaneously with the appointment of various Committees which we in this Round Table Conference are going to recommend to be brought into existence at a very early date, this Committee ought also to be set up.

Sir Edgar Wood : Sir, I have no objection at all to this proposed Committee; in fact I feel quite sure it will be very necessary; but I, personally, see no reason for this Committee to recommend, in fact I strongly object to the recommendation from the point of view which was expressed yesterday, that it is essential to maintain the stability of the Services, especially during the transition period. I would go further than that and say that until 1939, so far as the I.C.S. is concerned, the best way to maintain that stability, I think, is to make it perfectly clear to the Civil Service that the 1939 conditions and proportions as provided by the Lee Commission will be retained. A Committee of this sort set up without it being clearly defined that it is not set up to revise the conditions of the I.C.S. previous to 1939, will, I consider, create a great deal of instability in the Service. I think that will have more effect than anything else in preventing good men from going out to the Service just at the time when they may be the most required. If it is made quite clear first of all that the 1939 basis is to be maintained, I see no objection whatever to this Committee. My own experience—a very small experience I will admit—in the commercial world is that at present it is extremely difficult to get good men to go out to India. For two years I have been trying to get men for certain billets in India—very well-paid billets—professional men, and I have found it impossible to get the right type of man because they are so uncertain about what is going to happen in India, and I do feel that that is bound to apply equally, if not more so, to the Indian Civil Service, and that it is necessary to assure them at this time that so far as the Civil Service is concerned the Lee Commission will hold. Provided that is done I am entirely in favour of this Committee being set up.

Raja Narendra Nath : I am inclined to agree with what has been suggested by Lord Zetland. I think that the real question before us is that mentioned in paragraph 4. As we have not been able to secure uniformity upon it, I think that the best course for us to adopt is to report to the Conference the state of division which exists. I do not think that it was at all necessary to have mentioned the point dealt with in paragraph 6. I do not think that it was necessary for that to have been brought before us. I am inclined to think that it is not necessary for us to suggest the appointment of any Committee. The future Government of India has always a discretion to appoint such a Committee or not as circumstances require. I think that the very fact of this matter having been mentioned in paragraph 6 has raised an unnecessary controversy with regard to the scales of pay and the rates of salary between Indians and Europeans. Upon that point, although it is not directly before us, I should like to make a few observations. I have some personal experience of the matter. There was a time when the scale of salaries for Indian and European recruits for the Indian Civil Service was different, that is to say, different not as between those who were Indians recruited by competitive examination in England, but different between those who were appointed in India and those who were appointed in England. That racial discrimination gave rise to a considerable amount of discontent. It also gave rise to a difficulty to which none of the previous speakers have referred. The difficulty was that when a European officer was placed in a position of subordination to an Indian officer who was getting a salary of a lower scale, the position became positively anomalous. Sometimes an Indian Commissioner was drawing perhaps half the salary of his European subordinate, and it became rather difficult for him to exercise the control that he would have exercised if he had been drawing the same rate of pay.

Dr. Ambedkar : No.

Raja Narendra Nath : I say "Yes." I have experienced that difficulty. I experienced that difficulty, and the pay was increased.

Dr. Ambedkar : It all depends upon whether the matter is counted in terms of money.

Raja Narendra Nath : The world does count it in that way.

Chairman : I think that this question is getting very wide of our terms of reference. I hope that you will pass it over.

Raja Narendra Nath : Very well. My answer to the question is that it is not necessary for us to suggest the appointment of a Committee; that we should give our decision on paragraph 4, and report to the Conference the difference of opinion that exists, and the Conference will deal with it. If the majority of the Conference is of one view it will express it. If it is of the other view, it will express it, and will postpone the matter until the time when the Committee is appointed by the Government of India. I do not think that upon this controversial matter there will be unanimity in the Committee which the Government of India will appoint.

Chairman : I am not going to make any observations now, except to say that I have listened very carefully to what you have all said. I suggest that now we might go on and discuss No. 7 : " Recommendations in relation to Public Service Commissions." Public Service Commissions, as I understand this matter, and please remember that I really understand very little about these matters, are as follows. As I understand it, there is at the present time a Central Public Service Commission and also one in Madras. It may be desirable, as I see it, to make some recommendations with regard to the existing Public Service Commission. That would clearly be in order. It may also be desirable to make recommendations as to the existing Provincial Public Service Commission in Madras, and as to the desirability of setting up Public Service Commissions on somewhat similar lines in any of the other Provinces. Mr. Chintamani, you generally lead off for us.

Mr. Chintamani : I take it, Sir, that there is no serious difference of opinion amongst us, if there be any difference at all, as to the desirability of there being a Public Service Commission to regulate the recruitment to the various Public Services in the country. I think that we are all agreed that thereby a more efficient Public Service can be obtained than if matters are left to the unfettered discretion of the Executive Government, either in the Centre or in the Provinces. As the Constitution of the country becomes increasingly democratic, the danger also proportionately increases of disinterested considerations of the public well-being, being subordinated to subsidiary considerations of what makes for the convenience and the stability of the personnel of the Government for the time being. There can be no difference of opinion with regard to this. That is a danger against which we have to guard ourselves. If in the Parliamentary Statute defining the constitution of the future Government of India, provisions are inserted to safeguard the Government and the country against that danger, which is only too frequent, it cannot be urged by anyone that that constitutes an infringement of the rights of the future Government. It no more constitutes an infringement than the provisions relating to an independent audit, and the appointment of a Controller and Auditor-General, absolutely independent of the Executive Government, which is a feature of every sensible constitution. This is the reason why, jealous as I am that the liberty of the future Government of India should not unnecessarily be encroached upon by Parliamentary Statute or otherwise, I have not the slightest hesitation in urging the necessity of the constitution of the Public Service Commission, not such as exists in India at present, but such as we desire, namely, a Commission independent of that Government, a Commission which will owe its existence and its authority to an Act of Parliament which that Government may not touch in any manner. At present we have a Public Service Commission, but one which is unsatisfactory for several reasons. It is a creature of that very Executive Government of whom we want the Commission to be independent.

If the sub-Committee agrees to make a recommendation that it should be a provision in the Constitution that there should be a Public Service Commission, the next question is whether the requirements of good government will be adequately met by one Commission for all India, or whether there should be a Commission for every Province. At the present moment only one local Government has gone in for a Public Service Commission. I remember that in another local Government a suggestion by the Government of India in this behalf was considered. It was negatived on the ground that they would secure more efficient recruits if they set up Selection Committees *ad hoc*, having reference to the nature of the candidates required, instead of setting up one Commission to recruit for all the Services. The experience of the last nine years in the Province to which I refer, where Selection Committees *ad hoc* have been set up when new appointments had to be made, suggest that the Government of the day rather exaggerated the value of the Selection Committees *ad hoc*, and also under-estimated the advantages that would accrue from a Public Service Commission. I held the opinion in 1921 that Provincial Public Service Commissions would be inferior as regards results to Selection Committees *ad hoc*. As a result of nine years' observation of how the system has worked, I am a convert to the view that there should be a Statutory Public Service Commission, and the Provincial Governments should not be left the discretion of merely setting up Selection Committees of their own. In India there is a very special reason, which may not apply to countries more fortunately circumstanced, why there should be such statutory bodies. We in this Conference are aware, only too painfully, of the existence of a number of communities in our country who have not been able to look upon public questions eye to eye, because of different points of view. There is the fear in the minds of several communities, most of them minority communities, that they will not get adequate justice and equitable treatment from the Government for the time being if the personnel of that Government are not members of their particular community. There is nothing more important in endowing a country with a new constitution than to create an atmosphere of mutual trustfulness amongst the various component parts of the nation, instead of starting that constitution in an atmosphere of distrust and contention. From this point of view it seems to me to be eminently desirable to have statutory provisions in the Act of Parliament which should create confidence in the minds of every such community, that they will receive equitable and just treatment in the apportionment of offices in the Public Services. For this purpose I think that it is desirable, not merely that we should recommend that there should be statutory Public Service Commissions in the Centre and in the Provinces, but that we should go a step further, and indicate the lines on which the Act may provide, in order to bring confidence to the minds of every section of the population in India. I have here some suggestions before me in writing. I am indebted to one of the greatest public men, and perhaps the most accurate thinker among public men amongst my countrymen, for the suggestions which I have before me. If the Committee does not think that I shall be taking up too much time, I will read a few clauses on the lines of which I, personally, should like our Committee to recommend to the Conference that provisions should be inserted in the Statute. As the clauses that I shall read will be found to be self-evident, and as they will include the arguments in support of the proposals, it will not be necessary for me to detain the sub-Committee with any explanatory comments of my own. This is a rough draft of certain provisions to safeguard the legitimate rights of minorities, and the interests of efficient administration in India. For " of minorities" you may substitute, if you like, " of communities." The provisions which are suggested are :—

" 1. No British Indian subject shall be denied admission to any educational institution maintained, supported or aided by the State or to any course of studies therein, save on the ground of want of qualifications ; and membership of any particular community, caste, creed, or race shall not be a qualification or disqualification for such admission. Any discrimination between one individual and another on the ground of such membership or of communal representation by legislation or administrative order or otherwise shall be deemed invalid and an infringement of the fundamental right of a British Indian subject in respect of which an action may lie at the instance of any aggrieved person against the authorities in charge of the institution and the authorities sanctioning such legislation or order.

" 2 (*a*). All British Indian Subjects are equally eligible for admission to the public services in British India, provided they are duly qualified for the same.

" Membership of any community, caste, creed or race shall not be a ground for preference,

supersession or exclusion, provided however, that as regards recruitment to the lowest grade of any class of appointments, the Governor-General-in-Council may for the purpose of avoiding the undue predominance of any particular community, caste, or creed reserve by rules not more than 25 per cent. of the posts in that grade and direct that they may be filled up by members of other communities, castes or creeds with due regard to such qualifications as may be prescribed in the interests of the public service.

" (*b*) Membership of any community, caste, creed or race shall not be a ground for promotion or supersession in any public service.

(*c*) Any law, rule, or administrative order providing for recruitment, preference, promotion or supersession in contravention of clauses (*a*) and (*b*) of this section shall be invalid and deemed to be an infringement of the fundamental right of any British Indian subject affected thereby, in respect of which he may maintain an action against the authorities by whom any such law, rule or order might have been sanctioned or made.

" 3. The members of any provincial Public Services Commission shall be appointed by the Governor-General and shall, after retirement from the Commission, be ineligible for any office of profit under the Crown. The qualifications for recruitment to the Public Services, whether All-India or Provincial, shall be laid down by the Central Public Services Commission.

4. The Government of India has the power and jurisdiction to provide for the constitution of the Civil and Criminal courts and to regulate the recruitment to and the tenure of judicial offices."

As I said at the beginning, not the whole of this is relevant to our purposes here. I should like to make a second point, namely, that I have not put this forward as containing propositions to every part and detail of which I myself stand committed. I have put it forward only as indicating the lines upon which we may find it advisable to proceed in order to create that confidence in the minds of all sections of the population, which I hold to be a condition precedent to the successful working of the future Government of India. If the Sub-Committee should think that there are points in this draft, from which I have read, which are worthy of their consideration, and of recommendation to the Conference, they are welcome to do so. I myself am at liberty to drop any part of this, or to modify any part of this, according as the sense of the sub-Committee may suggest. I think, Sir, that a recommendation from this sub-Committee, that by statute Central and Provincial Public Service Commissions shall be constituted, entrusted with the responsibility of recruiting for the various branches of the Public Services, and endowed with the requisite power in order that they may be able to discharge that responsibility, and further charged with the duty of seeing that no discrimination is made against members of any community, and no undue preference is shown to members of any community, will meet the requirements, satisfy the wishes, and remove the fears of every section of the community in India.

Lord Zetland : I do not rise to speak upon this point at the moment, except to say, if I may, that I think that Mr. Chintamani has made one of the wisest of the very many wise speeches which he has made upon this subject. I rise merely to ask a question. As I understand it, his view is that the Public Service Commissions should be in all respects wholly independent of the Governments, whether Central or Provincial, in India. What I am not quite clear about is, by whom are the members of these Commissions to be appointed ?

Mr. Chintamani : By the Governor-General in the case of the Central Commission, and by the Governor in the case of Provinces and not by the Government.

Lord Zetland : That is an answer to the first question which I asked. There is only one other question, and I ask this because I am ignorant upon the point. In what respect would the Public Service Commission of the Centre, which Mr. Chintamani recommends, differ from the existing Public Service Commission ? I am not quite clear about that.

Mr. Chintamani : It will be a body which owes its existence, and its authority, to the British Parliament here, and not to the Government of India. The members of the Commission, once appointed by the Governor-General, and not by the Government of India, shall not be removable from office by the Government of India at all. Their position as authorities, independent of the Executive Government will, as far as may be, be analogous to the position of the Controller and Auditor General.

Lord Zetland : I am very much obliged to Mr. Chintamani for his replies. At this stage I will not do more than express my gratification at finding that Mr. Chintamani has such unlimited confidence in the Governor-General and in the Governors of the Provinces.

Sir A. P. Patro : I am gratified also to find that Mr. Chintamani has greater confidence in the Parliamentary Act than in the Act of the Indian Legislature or of the Provincial Legislatures who are expected to enjoy full responsible government.

I am quite familiar with the rules he read out from his draft ; they have been repeatedly published in the Press, and we in South India can say that they are not new to us. But at a time when we are conferring full autonomy in the Provinces and leaving everything to a responsible Government, that Parliament should establish a Commission for the purpose of the Public Services seems to me quite anomalous. The Public Service Commission is already established by the Government of India Act, and in the South we have a Public Service Commission established by the enactment of the Provincial Legislature. The powers that are conferred on the Public Service Commission are powers analogous to those now exercised by the Provincial Government. Therefore, while we are agreed that there should be a Public Service Commission to regulate the Services, I am not personally agreeable to the view that there should be an Act of Parliament setting it up. What is this Act of Parliament to do with the domestic affairs of the Provinces and of the Centre ? It is incongruous that we should ask Parliament to pass such an Act. Let me say that while I agree that there should be a Public Service Commission, I do not think such a Commission is the proper authority for appointment and recruitment. The appointment will always rest with the Government. The Commission should be the agency for the purpose of selecting suitable and competent candidates to recommend to the Government. But the power of final appointment should remain with the Government, because the Government has to choose the instruments with which to carry on its business. The duties and functions of the Commission must be clearly defined, and a distinction has to be drawn between the power of selection of suitable candidates for particular work and the power of appointment. Further, there should be no monopoly by any class of the community, and every class and every community should have an equal right to enter the Service, and special privileges should be given to those communities not adequately represented. In order to create contentment, harmony, and justice all round, it is necessary to see, in view of the many castes and communities in India, that these have a proper share of representation in the Public Services, and it ought not to be that because a community is educationally more advanced than other communities it has a monopoly. It is not that the standards of efficiency should be reduced, but, keeping the standards equal all round, candidates less represented in the Services should be given preference in the final selection. But I do not at all subscribe to the

theory that Parliament should set up a Public Service Commission.

Sir Robert Hamilton : Has Sir A. P. Patro any recommendations for any alteration in the application to other Provinces of a similar system to that of Madras ?

Sir A. P. Patro : We have worked our system for three years, and with a little modification to suit our circumstances, we have borrowed our rules from the Central Service.

Chairman : Who makes the appointments ?

Sir A. P. Patro : The Governor in Council with the sanction of the Secretary of State.

Sir Chimanlal Setalvad : I am unable to follow Sir A. P. Patro in his remarks against the inclusion in a Statute of the setting up of these Public Service Commissions. The appointment of these Commissions rests with the Government of India and the Provincial Governments, and I fail to see any objection to the newly-constituted Government of India laying down by Statute that there shall be a Public Service Commission for the Central Government and also Public Service Commissions for the various Provinces. There is nothing incongruous in the fact that India, while becoming self-governing, should have a Statute setting up such Commissions. It would really be a part of the constitution. It is necessary also that the members of the Commissions should be perfectly independent of the Government; they should not be in a position to be influenced by any members of the Government at all. I agree also that provision should be made for securing their proper share of representation in the Public Services to the various communities in India. The draft which Mr. Chintamani has read to us is, I am afraid, rather too elaborate, and goes into too many details. To my mind the position can be met by the very simple provisions which some of us have considered during our sittings here, and which I will, with your permission, read :

> (1) In every Province, and in connection with the Central Government, a Statutory Public Service Commission shall be appointed.
>
> (2) The recruitment of the Public Services shall be made by such Commissions in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and of possession of the necessary qualifications.
>
> (3) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of his religion or caste.
>
> (4) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Service.

I do not approve of the inclusion in the Statute of provisions regarding the fair representation of the various communities. That could be provided for in the Instruments of Instructions to the Governors.

Raja Narendra Nath : So far as the advisability or desirability of appointing a Public Service Commission for the Provinces is concerned, I think there is no disagreement. I have no experience of the working of the Commission in Madras, nor have I before me the Act by which the local Legislature sanctioned the appointment of the Commission. But I certainly think that the provisions which have been recited by Mr. Chintamani are a little too elaborate to be embodied in a constitution, whilst those just given us by Sir Chimanlal Setalvad are perhaps too brief or too vague. To say that fair representation of all communities should be secured would be no proper guide to the Public Service Commission or to the Government. Such an instruction might be differently construed. In the first place, I do not want the principles on which appointments have to be made to be left to the Provinces. The broad principles should be laid down by Parliament as fundamental rights. My difficulty is that in certain Provinces where the majorities are opposed to any communal considerations, no communal considerations would be allowed to weigh with the Public Service Commission appointed. On the other hand, in Provinces in which the majority is in favour of these communal considerations, such considerations will be given undue weight. Therefore it is necessary for us to recommend what general principles should be laid down in the Provinces. We have a well-defined principle on which All-India Services are regarded by the Government of India. Of the appointments, one-third are reserved for redressing communal inequalities, and two-thirds of the appointments in the All-India Services are made strictly on merit. I only want that principle to be embodied in the Acts as a part of the fundamental rights. I would suggest that this necessity will be met if there is a slight alteration made in what is now Section 96 of the Government of India Act. The Section runs as follows :—

> " No native of British India, nor any subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any office under the Crown in India."

That is already there, but the word " disabled " is not enough. No one is disabled from holding office, but he is prejudiced by reason of his creed or his race. For example, a man belonging to the depressed classes is not disabled from being recruited for the Police Service, but he is prejudiced from being recruited for that Service, because he is not acceptable to the other members. Therefore I should add the word " prejudiced," and I will, with your permission, suggest the slight amplification of phrasing which will be necessary at our meeting this afternoon. I would not mind if that reservation were embodied in the Statute for a certain number of years. If that reservation, which is observed in All-India Services, is embodied in the Provincial Services, I would not restrict it to minority communities, because in certain Provinces the majorities might benefit by the reservation, nor would I restrict it to communities; I would say, " race, caste, or creed." The word " race " would satisfy Colonel Gidney, and caste or creed would satisfy the representatives of many people who are at present in a backward state of education. What I wish to present is this, that the interests of the Public Service should be the main consideration, and communal considerations should be subordinated to the public requirement of the efficiency of the Service. The recruitment should not be made on communal considerations; it should merely be made to satisfy requirements of efficiency, and the adjustment of communal differences would be a secondary question. Perhaps I may be allowed to lay before the sub-Committee a new draft of Section 96.

Chairman : I do not think we can usefully spend our time in discussing actual drafts of Statutes. We can only lay down broad principles, and I should like to know for my guidance how far the propositions which Sir Chimanlal Setalvad read out to us are acceptable to the sub-Committee.

Sir Cowasji Jehangir : Would these rules enable the Government to make regulations as to the percentages of appointments necessary to give a fair share to the various communities consistently with efficiency ?

Sir A. P. Patro : I agree with the first two, but I think the last two cannot be accepted—the so-called fundamental rights.

Sir Chimanlal Setalvad : You have fundamental rights defined in any constitution.

Sir A. P. Patro : We have suffered from that very much. In the south we strongly oppose any such thing.

Sir Chimanlal Setalvad : I will read it again: " In every Province and in connection with the Central Government a Statutory Public Services

Commission shall be appointed. Recruitment to the Public Services shall be made from such Commission in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and the possession of necessary qualifications."

Chairman : Is that all right down to that point ?

Raja Narendra Nath : "A fair representation" is just the term which it may be difficult to interpret. That is why I say that the rule adopted and followed by the Government of India should be recommended.

Sir Chimanlal Setalvad : I submit that the general form in which I have ventured to put it is more workable than the other.

Then the fundamental rights I would define in this manner: "No person shall be under any disability for admission into any branch of the Public Services of the Country merely by reason of his religion, caste, or creed." Do you object to this ?

Raja Narendra Nath : It is not clear. Nobody is actually under a disability. He is prejudiced.

Sir A. P. Patro : Is there any difficulty now ? Why should a new thing be created for which there is no necessity ? Why introduce complications ?

Dr. Ambedkar : I would point out a difficulty that will arise in the question of fundamental rights in the words which you are trying to introduce. The point is this. You are giving the Public Services a direction so to recruit the Services as to give due and adequate representation—whatever the words are. That means this: the Commission will have the right to choose between the different communities in order to make up the quota of the community which does not otherwise get into the Services. That means that they would have to exclude members of other communities in order to make good the claim of fair and adequate representation of other communities which have not hitherto been recruited in the Public Services, and if you have this fundamental right given to every individual of every community, that certainly would embarrass the Public Services Commission, because a person who had a fundamental right of this sort may say: You are prejudicing me by preferring some other member of some other community. There seems to me to be the difficulty.

Sir Chimanlal Setalvad : May I point out that this enunciation of fundamental rights, about their being no disability by reason of religion, caste, or creed, is merely repeating the proclamation of Queen Victoria when the Crown took over the Government of India. It was incorporated in the proclamation then made.

Raja Narendra Nath : It does not solve the practical difficulty.

Chairman : May I suggest that as it seems to be that the fundamental right is already there, is it necessary to repeat the fundamental rights ? Would the sub-Committee be satisfied if we accepted as our report the first two propositions which Sir Chimanlal has read, and not put in the declaration as to fundamental rights ?

Dr. Ambedkar : I would point out that we have not only to guard against the Public Services Commission being influenced by the local Government in the matter of making appointments. It seems to me that we have also to guard against the Public Services Commission abusing its own powers. I feel somewhat strongly on this point. The Public Services Commission is bound to be very limited in its personnel, we therefore cannot provide that the Public Services Commission in its personnel shall represent the different communities in the country. The Public Services Commission will have to be drawn from some communities, and human nature being as it is I fear the Public Services Commission might abuse its own powers.

Mr. Mody : What will be the remedy ?

Dr. Ambedkar : The remedy would be that the Legislative Council should have the power to pass a resolution of want of confidence in the Public Services Commission, just as, for instance—

Sir Chimanlal Setalvad : That would defeat the whole object.

Dr. Ambedkar : If this means is not desirable, I shall welcome some other means and some other method on this point, but I do feel very strongly that it is no use having a Public Services Commission which may be interested in their own community and not in others.

Sir Cowasji Jehangir : What is the interpretation that Sir Chimanlal places on the words he read out ? Will it be open for a Provincial Government to make rules, as they have already made, to the knowledge of Sir Chimanlal, in the case of several Governments, stating that in such and such a Service, provincial or otherwise, the proportion of Muhammadans, Depressed Classes, etc., shall be so many per cent ? That is what is being done to-day. Governments have passed executive orders that the heads of Departments when recruiting clerks or other grades shall as far as possible consistent with efficiency have—say—25, 30 per cent. of Muhammadans, and 10, 15 or 20 per cent. of Depressed Classes. Those are executive orders which have been passed. What was originally intended was that the Commission should make the appointments, but the ratio in which the community should be represented in the recruitment should be laid down by rules by the Provincial Governments which they would be in a position to change according to the ratio in the Service. Is that the interpretation ?

Sir C. Setalvad : I do not think Sir Cowasji has understood me quite. Here we have put out of the hands of the Government, as it will be constituted under the new constitution, the matter of selecting members for the Public Service. We are placing it into the hands of an independent Public Services Commission, and we are telling them that they must make the selection in such a way as to secure a fair representation to various communities, castes and creeds. In doing that it will be perfectly open to the Public Services Commission to lay down to itself any discretion it may think necessary for securing that fair representation.

Sir Cowasji Jehangir : It is a question of minorities, and I think it is only fair we should consider it with open minds to satisfy everybody. The position is that you entrust this work to a Commission of only a few men—three or four—one if you like. After all, it will be a very limited number, and you are giving them considerable powers. It is entirely in their discretion to say what percentage of any community should be represented in the Service. I am not speaking for the minorities, but I think the minorities then may have some cause for complaint that they may not be able to influence that Commission as they may be able to influence the Government through the agency of the Legislative Council. That is the point. They are completely independent, irresponsible to anybody, and therefore there must be somebody responsible to the Legislature who has a voice in saying that the ratio shall be so-and-so and so-and-so —not the persons—they may then appoint anybody they choose, take their applications and find out the best men in the communities. They appoint; but I think some agency such as the Government influenced by the Legislative Council should also have a voice in the ratios—not in the appointments, only in the ratios.

Sir Chimanlal Setalvad : I am afraid that Sir Cowasji is missing the whole point of this proposal. It is because we want to take out of the influence of the Legislative Council and the Government the distribution of offices that we are creating the Public Services Commission. These words have been chosen after consultation. The whole object of the proposal is to take the patronage out of the hands of the

political influence of the Legislative Assembly or Council where one community may be in a majority or minority in the Government, and to create an independent body which would not—

Dr. Ambedkar : Surely that Commission will belong to some community.

Sir Chimanlal Setalvad : Those who will make the appointment will have due regard to the position. What is the alternative ? Are you prepared to place it in the hands of the Government or the Legislative Council ?

Mr. Zafrullah Khan : Whatever may have been the object of those who framed this clause, it reads that the members of the Public Services shall be recruited through a Public Services Commission in such a manner as to secure fair representation. If it is through them and not by them, obviously somebody has in mind somebody else who is recruiting through the Public Services Commission and he is recruiting in a manner so as to secure fair representation to the various communities. That is how it is framed.

Sir Chimanlal Setalvad : The appointment can only be notified by the Governor in Council or the Governor-General in Council, as the case may be, but that recruitment shall be made through the Public Services Commission, and they shall not appoint anybody they choose, but appoint those recommended by the Public Services Commission with due regard to the principles mentioned.

Sir Edgar Wood : I think there is still a little ambiguity about this question of whether this Commission is to select or to appoint. Sir Chimanlal clearly said " select," and there is a very great difference between actual selection and appointment, because it is quite possible for a Commission to select two or three suitable people and for one to be chosen from those selections. I think I am correct in saying that when this question of the Public Services Commission came up in Madras we provided that that Commission would have powers of selection, and there was considerable discussion as to whether the selection should be binding upon the appointing body, and we decided that it should not be binding, but that the safeguard should be that with regard to any selections which were refused the names of the nominees should be placed on the Table of the House with the reasons showing why the Government Department concerned turned down the recommendations of the Commission.

Sir A. P. Patro : The proportion was fixed.

Sir Edgar Wood : I am not sure about the proportion being fixed. That was certainly one of the ideas underlying the appointments, that the proportions should be fixed. It was one of the reasons for the genesis of the Commission, and I think it is a very good safeguard that if the Commission selects, and their selection is not accepted, the reasons for throwing on one side the selection and going back to the Commission for a further selection should be clearly stated to all members of the Legislature, so that they may take it up in the Council if they object to the selections which have been made.

Raja Narendra Nath : That would not sufficiently protect the interests of the minority.

Chairman : It seems to me that one broad question of difference which is emerging is this : who is to be the body who is to lay down the percentages. Everybody seems to agree that the selection of a particular individual shall be left to the Commission. Ought you to have the Commission laying down for itself as a domestic rule what the percentages would be, or ought you to have the legislative body telling the Commission what those percentages ought to be ? That seems to be the main topic of dispute. I am not certain whether there is another topic of dispute on that ground : supposing you have, as Dr. Ambedkar says, an unsatisfactory Commission. After all, there can only be one or two or three. Do you provide—I do not think you do—what check there should be on that, whether they should be removable, and, if so, by what agency they should be removable, and ought we to make some recommendation with regard to those matters ?

We might meet again at half past two, and it would be convenient for you if I tried to get circulated the resolution proposed : Then we shall discuss something having the advantage of seeing it in typewriting.

(*The sub-Committee adjourned for lunch.*)

Chairman : You have had put before you two documents, one marked "A" and the other " B." We had better not bother about " B " at the present moment ; that will be the subject of a good deal of discussion hereafter. Let us look at "A" and confine ourselves to this question of the Public Services Commission. "A" records, I hope accurately, the propositions which Sir Chimanlal Setalvad was good enough to read out, and I thought it would be convenient for the sub-Committee to have them before them. We will now resume our discussion on " A," the question being whether these propositions would be satisfactory, either Nos. 1 and 2 only or No. 3 as well.

Mr. Zafrullah Khan : With regard to the first two proposals—or to the second, as a matter of fact, because I do not think there will be any controversy with regard to the first—so far as the wording is concerned I have no objection to it, but, as I pointed out at an earlier stage, to my mind it does admit of the construction that I want to place upon it. The only point is that if there is any doubt as to its being susceptible of that construction, I for one should wish to have that doubt removed, and the second clause expressed in such language as to be susceptible of the construction which I want to place on it.

I conceive the functions of a Public Services Commission to be to select candidates from the point of view of efficiency and also to exclude any considerations of a personal or a private nature in the selection of candidates. That is to say, our main point is that with regard to the selection of individual candidates Ministers should be relieved of the responsibility of making the selection, inasmuch as influences have been brought to bear on them in the past, and are likely to be brought to bear on them in the future, which would not be conducive to the best selection being made ; and in that way the Ministers themselves are placed in a position which they do not like.

With regard to the further question as to whether the determination of the proportions in which candidates are to be recruited into the Services is or is not to be left to the Public Services Commission, I am very strongly of the view that it should not be so left ; it must be left to the Government—or I have no objection to leaving it to the Governor of a Province if the majority of the sub-Committee prefer it—from time to time to determine what proportion with regard to each Service, or vacancies existing in the cadre of each Service, is to be recruited from the different communities, interests or races. The proportions cannot be unalterably fixed in advance ; you cannot fix the proportions now and then work on them for ever. That would obviously be unfair owing to retirements which take place and other considerations which may subsequently arise. On the other hand, it would be very unfair to leave the determination of these proportions to a body which is to be almost entirely independent of the Government, the members of which are to hold their appointments permanently, as it were, and who are ordinarily in the normal course of affairs irremovable, and therefore who owe no kind of responsibility whatever to anybody.

Such people are required to say that A, B, C and D, whom they have selected for appointments to certain posts, have the qualifications which will enable them to discharge the functions of those posts. It is absolutely necessary that people who are entirely independent and who owe no allegiance to the Provincial Governments, or in the case of the Centre to the Central Government, should determine that ;

but it is not necessary that it should be left to them to adjust different communal demands which involve considerations of a different kind altogether. Therefore my submission is that this matter should be left to the Provincial Government. As I have said, in my opinion there is no harm in leaving it to the Provincial Government; but if there is any objection to that, leave it to the Governors, to be determined from time to time as various considerations may arise.

I am also opposed to its being left to the Legislative Council as such. We all know there are very grave and serious objections to doing that. If we leave it to the Government or to the Governor, the Legislative Council no doubt will be able to influence the decision of the Government or the Governor from time to time, and their efforts in that direction will be considered by the Government or the Governor, as the case may be, before they fix any proportion, and they will also consider any other considerations which may arise.

My submission therefore is that the Public Services Commission should be confined to their legitimate purpose of selecting candidates with regard to efficiency, to guarantee that the candidates selected by them will be able to discharge the duties with which they are to be trusted, without regard to any communal question or anything; they will put those candidates up to the Government and let the Government make selection from those candidates.

Chairman: May I ask you this before you sit down? I quite see that what you would really do would be that you would put in a new clause saying that the fixing of the ratios ought to be left either to the Government or to the Governor.

Mr. Zafrullah Khan: Yes.

Chairman: But you also suggest that there ought to be some amendment to clause 2. Could you conveniently indicate to me the form of words which the amendment would take?

Mr. Zafrullah Khan: Clause 2 at present reads: "Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair representation of the various communities consistently with considerations of efficiency and the possession of the necessary qualifications." I would add these words: "And the proportion in which the recruitment is to be made among the members of various communities or interests shall be in accordance with directions which may from time to time be issued by"—as I have said, either by the local Government in the case of the Provincial Services, or alternatively the Governor; and in the case of the Central Services by the Central Government, or, alternatively by the Governor-General.

Raja Narendra Nath: I think, Sir, the proposal made by my friend Mr. Zafrullah Khan considerably narrows the scope of the Public Services Commission and in a manner which stultifies the very object of appointing the Commission. If their scope is confined to the selection of fit candidates, then that is not a very difficult matter. Any *ad hoc* Committee appointed by Government can do that. In the first place, the qualifications of various candidates are obvious on the face of the application which they make, in which they state what their qualifications are. In the course of interviews granted to such candidates by the Committee, general considerations such as appearance and other matters which ought to receive due weight in making appointments are considered. It seems to me that to confine the functions of the Public Services Commission simply to making a selection of the fit candidates would be burdening the taxpayer far too much by appointing a Services Commission consisting of 3 or 4 members who receive large salaries and who have simply to select fit candidates. So far as the fitness is concerned, it is a matter which does not require very elaborate enquiry. The very object of appointing a Commission is defeated if the scope of the Commission is limited in the manner in which my friend proposes.

Khan Bahadur Hidayat Husain: Sir, I very strongly support the arguments that have been put forward by my friend on the left, with this modification, that I would like the proportion to be fixed not by the Government but by the Governor. I do so because lately, and I think almost always, there have been such great complaints and so much heart burning with regard to the entries in the Public Services, that I am afraid that on this one single point conflicts will arise which might threaten to break the safe working of the future constitution of India. Therefore, Sir, on this point of the entry into the Civil Services or into the Services, whatever steps you may take should be such as to work for the stability of the future Government. We are going to arm the Governor with certain powers which will conduce to that stability; we are going to give him such powers as will, if the time comes, assist him in maintaining that stability. I think therefore that the same complaints which may be raised against the Legislative Council may as well be raised against the Public Services Commission.

Raja Narendra Nath: And against the Governor, too.

Khan Bahadur Hidayat Husain: And therefore I say that with a view of avoiding those complaints, it is better to entrust the task of fixing the percentage to the head of the Province who will be above all those weaknesses to which your Legislative Council and your Government will be subject. Therefore, Sir, though I support my friend here, I would say that the matter should not be left in the hands of either the Legislative Council or the Governor, but the fixation of the percentage should be left entirely and exclusively in the hands of the Governor of the Province.

Lieut.-Colonel Gidney: Sir, I rise to give my approval to the draft Resolution which has been placed before us and to make one or two suggestions. In view of the fact that the Federal Structure sub-Committee, I believe, has decided that the protection of minorities is to be a special charge of the Governor-General and Governors, and, as the Public Services Commission is mainly designed to protect and safeguard the interests of minorities, might I suggest that it should be stated here that the Public Services Commissions should be appointed by the Governor-General or the Governors, and that they alone shall have control of these Commissions. This is the one addition I would like to add, for reasons already given by the last two speakers.

Sir, I take this opportunity of placing another aspect of this matter before this sub-Committee for their sympathetic consideration. It is possible that my friend Mr. Chintamani, the mover of the proposals which have been placed before us, may think I am trying to go beyond them. I hope to prove I am not. There appears in the last line but one of (3) (*b*) the words: "not be a ground for promotion or supersession in any Public Services". Now, Sir, in pleading on behalf of the community I represent I do not ask for a violation of these terms. I accept them.

Sir, fate has willed it for good or for evil that for the past two centuries the Anglo-Indian community has occupied a social and economic position in the Public Services of India side by side with the European community. Every Indian community has looked upon these two communities as one for employment purposes. We have been brought up entirely on European ideals and traditions, and, as such, we have, as was truly said by Raja Narendra Nath, been with them in social isolation. I go further and say that we have been with them in complete economic isolation. Many Indians have said that the community has enjoyed preferential treatment in the Services. If this refers to Railways and the Telegraphs, I admit that they were employed in numbers in these Services in certain appointments carrying responsibility and trust. But, Sir, the operation of the reforms for the past decade has changed that so-called specialistic preferential treatment, if I may call

it such, to one to-day of differential treatment, and I make this assertion with all reason and seriousness, supported with facts and official figures.

Let me explain: Within the last decade of the operation of the Reforms the community which has rendered great and abiding service to India finds itself in a most perilous economic condition as the result of Indianisation of Services. It finds that one-third of the appointments it held in 1921 have been lost to it within 10 years resulting in one-third of the employable population being unemployed. I shall not ascribe any blame to any one nor shall I give any reasons as to why this economic disaster has overtaken us. Suffice it to say that it is the direct result of the anomalous status that has been enforced on us in the Services. I shall not enter into details for I have already dealt with that aspect of the position, but, Sir, what position do we actually occupy in the All-India and Provincial Services to-day? We occupy but a bare 20,000 or less of the appointments in a total of 2,000,000 Government appointments. This works out to one in 1,000 appointments. Now, if the operation of the Reforms has lost us nearly 14,000 appointments within ten years, I ask you to picture what will be the position of my community in another 20 years. It is in the transitional stage of the new constitution, unprepared as we are, that I ask this sub-Committee sympathetically to consider the needs of a community that has served India well, and afford it economic protection to enable it to prepare itself educationally.

Perhaps, Sir, you would like me to show you why I entertain this fear. May I tell you, in Bengal alone, whereas a few decades ago the percentage of Anglo-Indians in the Bengal offices was 90, to-day it is about 10 per cent. only. In the Provincial Executive Service, whereas we formerly had 31 per cent. of appointments, to-day we have only about 1·5 per cent. In the Provincial Judicial Services we had 29 per cent., to-day we have none. I go further, and take another service, the Postal Department in which we were formerly largely represented. There is scarcely any further room for Indianisation of that Department, for in Bengal alone out of nearly 4,000 postal appointments Anglo-Indians to-day hold about one hundred, and about 50 per cent. of these employees will be superannuated within the next few years. Let me take another great Service in which we have rendered very valuable service to the Government of India, the Customs. Up till 1920 Anglo-Indians had entire subordinate charge of the preventive branch of the Customs Service. You cannot assess in terms of rupees, annas and pies the intrinsic value of the services this small body of loyal and trusted workers have rendered to the Government of India. Suffice it to say that the Customs Department to-day brings to the Government of India an annual revenue of nearly 30 crores. Within ten years of the operation of the Reforms, Anglo-Indians have lost in this Service almost 50 per cent. of the appointments created. The same condition obtains in the Appraiser's Branch of the Customs. We are also being rapidly replaced in the Telegraph Department and Railways which the community have built up. I do not grumble, because I know that the time has come when every community must be given a chance. I am not complaining about that, but taking the past as a criterion for the future, I am apprehensive—gravely apprehensive—of what will be the future economic position of the Anglo-Indian community in the public services of the future India. You may safeguard it with Instruments of Instructions, you may safeguard it by appointing Provincial Public Services Commissions but I am in an extreme minority and safeguards have failed us in the past. The Anglo-Indian community is moreover a poor community, and why? Because it has slavishly, faithfully and loyally followed and served the Government of the past, a Government that is now transferring its powers and the pledges it has repeatedly given the community and handing us over as a bankrupt legacy to the new constitution. For the last ten years Government has told us, "Do not be afraid of Indianisation; you are natives of India by statute, and therefore as such you will receive every consideration for employment as does every other Indian community." The figures I have just given you, Sir, tell their own tale and show how those promises have been carried out. I go further and say that the Government of India have now realised the impossibility of economically protecting the Anglo-Indian community any longer under the term of "Statutory natives of India", for it has now definitely admitted its inability to do so, and has placed us as a special obligation on the British Parliament. Sir, while I appreciate the value of this obligation I do not appeal to Parliament alone, but to all my Indian brethren sitting here to-day. You are determined, I know, to give a sense of security to every minority community in the new constitution, but I am one of the smallest communities in India; in fact, I am the smallest community among my brothers here to-day, singularly positioned as regards its origin, living and traditions, and it is on behalf of that community, which has rendered great and invaluable service, that I fervently appeal to my British and Indian colleagues to-day. I am not complaining of unfair treatment nor do I mistrust my Indian brothers, but, Sir, I have certainly been prejudicially affected by the recent changes. I have been deprived of many of the appointments on the score of Indianisation. Being natives of India, Indianisation should have protected our economic interests as it has other communities; but what has actually happened in the past? I can only tell you from my own experience as a Member of the Legislative Assembly from its inception. Whenever I have publicly pronounced our acceptance of the status of natives of India, and taken my stand on that platform, I have been repeatedly told by Indian legislators in the Legislative Assembly that Indianisation does not refer to or mean Anglo-Indians, it means Indian-Indians.

Now, Sir, this is my grave fear, and it is not an imaginary fear: it is a justifiable fear proved by the figures I have quoted. Our economic position as shown by these figures stands out in marked contrast with our position in the past, and it is to try and protect the community, it is to try and ensure that its future generations will hold these few thousands of appointments midst the teeming millions of other Indians that I am asking this sub-Committee sympathetically to consider the Resolution I propose to place before it to-day, and I therefore ask you, Sir, kindly to incorporate the following in the recommendations of this sub-Committee:—

> "The sub-Committee realises that it is of vital importance to the continued economic existence of the Anglo-Indian Community that they should receive special consideration in the recruitment of those Services with which they are and have long been specially associated, and in which they are rendering and have rendered valuable services.
>
> "The sub-Committee therefore recommends that the Public Services Commission should be instructed to maintain for that community a due proportion of appointments in the Public Services."

Sir, in offering this for your sympathetic consideration I should like to tell Mr. Chintamani that I am not violating any of the terms he has included in his draft resolution. One of the terms states: "A", paragraph 3 (*b*), "Membership of any community, caste, creed or race shall not be a ground for promotion or supersession in any Public Services."

My additional resolution does not violate this term, for I am not asking you to promote an Anglo-Indian over another Indian nor am I asking you to supersede any Indian by an Anglo-Indian. All I am asking this Committee to do is to incorporate my resolution in its recommendations to the Round Table Conference and in doing so I request both my Hindu and Mussalman friends as also the members of the British Delegation, on whose shoulders the Government of India has placed the future of my community after 150 years of loyal service to retain in the Services of India a body of workers who are prepared to serve the future India as loyally, as honestly, as courageously and as patriotically as they have served the

India of the past. I feel sure my appeal will not fall on deaf ears.

Sir Chimanlal Setalvad : I should like, if I may, to deal with the doubts raised by my friend Mr. Zafrullah Khan and another speaker. Their apprehension is that if, as is proposed here, it is left to the Public Services Commission to secure a fair representation of the various communities, it may be, as Dr. Ambedkar also suggested, they may abuse their powers and a fair representation may possibly not be secured. I think that can be met, however, by a provision in the Instrument of Instructions to the Governor or Governor-General that he shall see that such fair representation is secured.

Having laid it down that the Public Services Commission shall secure a fair representation to the various communities, we would give power to the Governor, in his Instrument of Instructions, to see that such fair representation was secured.

Dr. Ambedkar : You might provide in clause 2 that this should be subject to such directions as may be given them by the Governor.

Sir Chimanlal Setalvad : That is giving too much power to the Governor. All you want to secure is a fair representation for the various communities; you want to see that the fair representation which we have provided that the Public Services Commission shall allot is in fact secured.

Mr. Zafrullah Khan : How will the Governor see to that ?

Chairman : Major Stanley has been good enough to make this suggestion, which may be a *via media.* He suggests some words to this effect, that at the end of clause 2 we might insert: " This part of the duty of the Public Services Commissions shall be subject in the case of the Provincial Public Services Commissions to the periodic review of the Governor, and, in the case of the Central Public Services Commission, of the Governor-General, who shall be empowered to issue any necessary instructions to secure the desired result."

Dr. Ambedkar : Yes.

Sir Chimanlal Setalvad : That is all right; I am prepared to accept that.

A Member : Why " periodic " ?

Mr. Basu : It will depend on retirements and so on.

Chairman : I do not suppose we mind much about " periodic "; we can say " to the review of the Governor."

Mr. Chintamani : This is entirely in harmony with the recommendation of the Provincial Constitution sub-Committee, which provided that there should be a provision in the Instrument of Instructions that the Governor was to see that minorities received fair and equitable treatment.

Raja Narendra Nath : I should like to add these words to the amendment which has been proposed: " Provided the majority of the appointments are made strictly on merit," without communal considerations. A certain number should be made strictly on merit, and the rest filled up to give representation to communities. I will not fix a proportion; I simply suggest it should be laid down that the majority of the appointments shall be made strictly on merit, apart from communal considerations.

Mr. Chintamani : The insertion of any such provision as Raja Narendra Nath has now put forward would be open to the same objection to which the lengthy draft I read out this morning lent itself, namely of going too much into detail. Secondly, when you have shown your confidence in the race impartiality of the Governor by endowing him with this special power and entrusting him with special duties, you may take it for granted that he will act honestly in the discharge of his duties and will not need these detailed instructions.

Chairman : May I put this to you with regard to clause 1. I understand Colonel Gidney's suggestion is to add to this clause, after " appointed," " by the Governor or the Governor-General as the case may be." Is that right ? (*Agreed.*)

Then it is suggested that clause 2 shall stand as it is at present, and then it is suggested that we should either add to clause 2, or put in as a new clause, these words: " This part of the duties of the Public Services Commissions shall be subject in the case of the Provincial Public Services Commissions to the periodic review of the Governor, and, in the case of the Central Public Services Commission, of the Governor-General, who shall be empowered to issue any necessary instructions to ensure the desired result." (*Agreed.*) May I take it that at any rate down to that point clauses 1 and 2, with the addition I have read, meet with the approval of the sub-Committee ?

Sir Edgar Wood : May I ask exactly what the intention is here ? I raised the point this morning. Is it the intention that the Public Services Commission should have the final word in appointments, or are people simply to be recruited through the Public Services Commission ? Are the Commission to say that certain men are suitable, it being left to the departments to make a selection from those men, or are the Commission to say, " There is one vacancy and you must take this man " ? It seems to me that if a department is going to be tied down to one definite man for a vacancy, it may be that from their particular point of view he may not be quite suitable, and it will put them in a most extraordinary position, I think, to have imposed on them a man who for some reason or other is not suitable from their point of view. That would apply in particular to the Police, I think. For the Police Service a man might have the necessary qualifications and might by merit, as Raja Narendra Nath says, be qualified for the post, but he might from the departmental point of view be quite the wrong man, I think.

Raja Narendra Nath : This suggestion which I made did not receive the serious consideration which I think it deserves. Let me point out to the Sub-Committee that I am simply referring to the rule which is already in operation with regard to the Government of India and the All-India Services.

Chairman : We will put it as an amendment and see what support it gets.

Sir A. P. Patro : At present whenever there is a vacancy several candidates are nominated. The Government say to the Public Services Commission, " There are two or three vacancies," and what happens is this. The Public Services Commission holds a competitive examination for the subordinate Service and prepares a list of competent, qualified and efficient candidates. With regard to what is known as the Provincial Service, the Public Services Commission has instituted an examination—a competitive examination—for each department. If there are one or two vacancies then four names are called for and the four, who are equally qualified, are sent up to the Government and the appointments are made from among those who have been selected by the Provincial Public Services Commission. It is not, therefore, a case of one candidate who may be found wanting or unfit, but of choosing from several selected as a result of a competitive examination.

Sir Edgar Wood : If that is accepted I am in entire agreement with it.

Chairman : Is not that a matter of detail which has to be worked out ? I think it is consistent with the wording here; I think Sir A. P. Patro is right, and that the present position is quite consistent with this wording. That is the suggestion so far, and to that suggestion an amendment is moved, and the amendment is that we should insert at the end of that these words: " Provided that the majority of the appointments are made strictly on merit regardless of communal or caste considerations."

Raja Narendra Nath : By way of explanation, may I say there is not only the rule of the Government of India, but my friend Mr. Zafrullah Khan knows very well orders have been issued by the Punjab Government that certain appointments must go in the proportion of 80 per cent. to certain classes.

Sir Chimanlal Setalvad : Let us leave that for the Governor.

Raja Narendra Nath : The Governor has already issued orders to that effect.

Chairman : It seems to me that that suggestion is really hardly necessary, but we had better get the sense of the meeting first of all on the insertion of the proviso. Who supports the insertion of the proviso ? (*Not agreed.*) Who supports Nos. 1 and 2 and Major Stanley's clause at the end of No. 2 ? (*Agreed.*)

Mr. Shiva Rao : I want to suggest that we say that every member of the Public Services Commissions shall hold office during his good behaviour, and that the Chairman and other members of the Public Services Commissions shall not be removed from office except by the Governor-General on an address by the Central Legislature, and in the case of the Provincial Public Services Commissions by the Governor of the Province concerned on an address by the Provincial Legislature.

Chairman : Mr. Shiva Rao has suggested a new clause, and he puts the point quite clearly. We do not tie ourselves to language, but the substance of it is that we should state as a new clause that office is to be held during good behaviour, and that a member of the Public Services Commissions, whether Chairman or an ordinary member, is to be removable on an address of the Legislature to the Governor or Governor-General as the case may be. Let us put that.

Dr. Ambedkar : I support that.

Mr. Zafrullah Khan : I think it should be added.

Sir Chimanlal Setalvad : We have no objection.

Major Stanley : Let us suppose that the objection you took to a particular member of a Public Services Commission was that he was acting too much in the interests of the majority, and was ignoring the claims of the minority. What you are saying is that he could be dismissed only if a resolution to that effect was passed by a Legislature which *prima facie* would contain a majority of the very community that he was supposed to be favouring.

Mr. Shiva Rao : I want to make the position of members of the Public Services Commissions analogous to the position of Judges of the High Court in India at present.

Sir Provash Chunder Mitter : To insert a clause like that would be going a long way to defeating its object. There are provinces where a particular community would be in a majority, and if communal questions are raised the Commission might lose confidence in themselves.

Dr. Ambedkar : The position taken by Mr. Shiva Rao is that discretion in the matter of removal of members of the Public Services Commissions is to be vested entirely in the Governor or Governor-General. The fact the Legislature has passed a resolution by a majority will not *ipso facto* lead to removal, but the Governor or Governor-General will consider whether action should be taken or not.

Raja Narendra Nath : I would not allow the Legislature to interfere at all in respect of appointments.

Dr. Ambedkar : A man may be corrupt, just as judges may be corrupt. Should there be no remedy at all ? Should there be no way of removing such persons ? We are removing patronage from the Ministers because we feel they may be corrupt, but the Public Services Commissions may be corrupt, and if we have no chance of removing any of their members what will the position be ?

Dr. Shafa'at Ahmad Khan : Dr. Ambedkar has admitted that a member of a Public Services Commission can be removed by the Governor, and if that is so what is the use of the address by the House ? It is very dangerous to have a Legislative body interfering in executive matters. We must keep the deliberative function of the Legislatures completely apart from the function of the Executive, and if we mix the two functions in a matter of this kind, where thousands of appointments may be at stake, I think we shall be inviting trouble and making the whole of the regulations regarding the Public Services Commissions completely useless and utterly futile.

Chairman : Would it be in accordance with the desire of the sub-Committee—I think the criticism made is rather cogent—that we should insert a clause to the effect that any member of a Public Services Commission holds office during good behaviour and is removable by the Governor or Governor-General as the case may be ? (*Agreed*).

Sir Provash Chunder Mitter : So long as the Legislature is not specifically brought in, I am satisfied.

Chairman : Would that further amendment be in accordance with the wishes of the sub-Committee ? (*Agreed*). We shall consider it at the report stage ; we are considering it provisionally now.

Now we get to Colonel Gidney's point.

Dr. Ambedkar : Before you proceed to Colonel Gidney's proposal, when the draft was first read out there was a clause stating that a member of a Public Services Commission after he had ceased to hold office as a member of such a Commission should not be eligible for service under the Crown.

Mr. Zafrullah Khan : We have that already with regard to the members of the All-India Public Services Commission, but I think it is only fair that with regard to the Provincial Public Services Commissions there should be a chance for any member to be appointed to the Central Commission. I think in Madras that is permissible, and with that exception the proposal is all right.

Chairman : What Colonel Gidney suggests is this. He states, as I follow it, that he is a member of a small community and of a community which, if I understand the circumstances, is particularly identified with work under Government in one capacity or another ; and therefore he says, following what I think the Statutory Commission and the Government of India have said, that it would be very desirable from his point of view, and generous on the part of the larger communities, if they would authorise me to put into the report something in the nature of a pious expression of opinion to the effect that we trust that the peculiar claims of the Anglo-Indian community will not be overlooked. (*Agreed*).

That might lead, as Colonel Gidney will realise, to every other community making a like claim, and if that was done nothing would be gained ; but on the other hand he is relying on the generosity of the larger communities and his position is, as I follow it, somewhat peculiar. I therefore put it to the sub-Committee whether they will authorise me in formulating the draft, which of course is merely for the report stage, to make some recommendation on the lines of what Colonel Gidney has suggested, which I will read out again. It is as follows : " The sub-Committee realised that it is of vital importance to the continued economic existence of the Anglo-Indian community that they should receive special consideration in the recruitment of those Services with which they are, and have long been, specially associated, and in which they are rendering and have rendered such valuable service. The sub-Committee therefore recommends that the Public Services Commissions should be instructed to maintain for that community a due proportion of appointments in the Public Services."

May I take it the sub-Committee will authorise me to say something like that ? I think it is quite true

logically to say that the point is already covered, because all this does is to say they shall have a due proportion of the appointments; but on the other hand it does indicate the fact that we have had this point particularly in mind, and that we realise their peculiar needs.

Mr. Basu : You have stated certain reasons which I do not think it is necessary to cite—their economic situation and so on. There are various other communities which may raise a point on those grounds. There are millions in India who have suffered from injustice for a much longer time than the ten years of which Colonel Gidney has spoken, and their claims are probably more urgent than the claims of Colonel Gidney's community. We should not, in the report of a sub-Committee like this, give any special importance to the economic needs of any particular community.

Chairman : That is one view. I cannot press it further, but on the other hand I should like if possible to make some statement about the Anglo-Indian community. What is the view of the sub-Committee on that ?

Dr. Shafa'at Ahmad Khan : I think that should be accepted.

Sir A. P. Patro : Yes, certainly.

Sir Edgar Wood : They are in a very invidious position, as Colonel Gidney has explained. I think they are in an almost helpless position, and on that account I do not think it is inconsistent to mention them specially. I think most members here would be in agreement that their position is distinctly different from the position of any other communities whom this Commission will affect.

Lord Zetland : I should be very glad to support what Sir Edgar Wood says. I agree they are in a very special position, and I think we might well make some reference to the particular position which they occupy.

Dr. Shafa'at Ahmad Khan : This matter was discussed by us in the United Provinces in the Simon Commission two years ago. The member representing the Anglo-Indian community on that Committee brought forward his proposals and the members of the Committee unanimously approved of them. I feel, Sir, that if the request of Colonel Gidney is not granted, literally the community will disappear from the public and economic life of India. It is a matter, therefore, not of strict logic, but of justice, generosity and fairness. I do hope that members will really keep this consideration in mind.

Chairman : I am much obliged. I shall draft some resolution for your approval.

Mr. Basu : I wish to make it plain that I have no objection to the claims of this community being mentioned; I merely felt that it was not necessary to mention the reasons.

Chairman : I quite follow that. Now I think you had all better look at the other resolution, which I have numbered B.

Lord Zetland : There is the question of the declaration of rights.

Chairman : Yes, is it desirable or not desirable to have the declaration of rights ? (*There was a show of hands.*) Those in favour of inserting a declaration of rights just win the day.

Mr. Shiva Rao : I want to suggest a slight addition in the last line of document A (3) (*a*), " by reason of his religion, caste or sex." I think " his " must disappear if we add " sex."

Chairman : Yes, there is no difficulty about that. Shall the declaration of rights be in the Instrument of Instructions or not ? Well, I will draft something. Now may we consider B. I have had some suggestions made to me about B already, all of which seem to me to be improvements. I will ask you to read it through with me.

" We recommend that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should "—I suggest that we add : " no longer be recruited on an All-India basis." (*Agreed*). and strike out the words " be placed under Provincial management."

Sir Cowasji Jehangir : There are some Forest Departments already Provincialised.

Chairman : At present I want to put before you what the suggestion is. Will you therefore please strike out the words " be placed under Provincial management," and insert instead the words " no longer be recruited on an All-India basis."

" and we do not think it necessary to make any special recommendation with regard to these two services.

" we recommend that recruitment on an All-India basis should continue for the Indian Civil Service and the Indian Police Service (Mr. Shiva Rao dissents—" I do not know whether he is alone or whether there is anyone with him).

Dr. Ambedkar : My resolution is that except for the European element in these two Services, the rest should be Provincialised.

Chairman : I think that will have to be separately put in.

" (Mr. Shiva Rao dissent from this conclusion, and would desire that all Services be Provincialised forthwith)." I suggest that we add here this : " some members are of opinion that recruitment for judicial offices should no longer be made from the Indian Civil Service."

Sir Cowasji Jehangir : I think it should be " all members."

Mr. Chintamani : A large majority think so.

Raja Narendra Nath : I am not of that opinion, Sir.

Chairman : Let us for the moment have " some " and we shall see where we get to. " Some members are of opinion that recruitment for judicial offices should no longer be made from the Indian Civil Service."

" On the question as to whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion.

Some members of the Committee thought that any such recommendations would be out of place. They would leave it to the future Government of India to decide this question on its merits without attempting to influence that decision one way or the other." I suggest we add there, to make their view plain, these words : " They would leave to that authority "—that is the future Government of India—" the decision of all questions, conditions of recruitment, service, emoluments and control."

" Others, feeling that it was desirable to secure the continuance of the European element in the Indian Civil Service and the Indian Police Service, resolved to make a recommendation accordingly.

" It is, of course, a truism that it is not worth while to secure any European element unless the terms and conditions of service are such as to obtain for the Services the best class of men available." Now strike out the word "we," if you will, and put this in instead : " But those who are for continued recruitment in England are not in a position to come to any final conclusion as to what terms and conditions would have to be offered in the light of the new constitutional developments to bring about this result."

" If it had been necessary for us to come to any such conclusion many of us would have desired to

have the guidance of an expert authoritative committee containing representatives of the likely sources of recruitment both in India and Great Britain.

We do not, however, conceive that we are called upon to perform any such task—for it will clearly be for the newly constituted Government of India to determine what number of European entrants should be brought into the Civil Service."

Mr. Shiva Rao : Could you add the words " if any " after the word " entrants " ?

Chairman : Certainly. " —and to determine what terms and conditions must be offered to secure the required number of the best available class of candidates."

" No doubt such Government if it requires further guidance on the point would consider the advisability of appointing some such Committee—" The word " for " should come out. " And we do not doubt that that Government in considering the whole question of the reorganisation and readjustment of the departments of the Public Services will avail itself of the services of expert Committees." Add " when it may deem such guidance to be necessary."

" In the meantime and until the newly constituted Government of India decides to the contrary the existing ratio of European to Indian recruitment as laid down by the Lee Commission would continue ; and in view of the fact that it would obviously be undesirable to alter this ratio without due notice, some of us consider that this ratio should be definitely continued for a limited number of years."

There remains the question as to what should be the new recruiting authority for Indian and European entrants into the Service ; and it is clear that the recruiting authority and controlling authority must be the same.

Some of us take the view that in order to secure the best class of European entrants, control must for the time being remain with the Secretary of State ; so that any European entrants into the Civil Service or Police Service will have the security of a non-votable salary and the right of appeal to a minister responsible to the British House of Commons.

Others feel that there would be no insurmountable difficulty in securing the best class of European entrants if recruitment and control were exercised by a Central Public Service Commission in India removed from the influence of party politics, with a right of appeal for any Civil Servant against disciplinary actions to the Governor-General himself.

We recognise that it would be the logical position that when the new constitution is established, the recruiting and controlling authority for the Services should be the Government of India. It might be that they would consider that for the purpose of recruiting such European officers of the best class as—" they " instead of " the Government of India "—" might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal."

Gentlemen, that is the best I have been able to do in the early hours of this morning. I think we might now consider this.

Raja Narendra Nath : There is one thing, Sir, to which I will go back if you will allow me to do so. With regard to the Public Services Commission in the Provinces, I would give them the same powers of appeal against action taken on disciplinary grounds by the Minister or Government.

Sir A. P. Patro : They are fixed by rules.

Raja Narendra Nath : No, not in the case of Provincial Services.

Sir A. P. Patro : Yes, also.

Chairman : We will bear that in mind.

Mr. Mody : This morning we were considering the feasibility of setting up a Committee almost immediately, just as other Committees would be set up. We left the question without any decision. That does not seem to have been provided for anywhere.

Chairman : I do not mind telling you that I altered this thing in the light of this morning's discussion. I came to the conclusion that the suggestion of the Committee was more likely to bring a sword than bring peace. Accordingly I thought I would merely indicate in a non-committal way what I have no doubt would be the fact, that the Government of India acting on the dictates of ordinary common sense would themselves appoint a Committee, at the same time not taking it upon ourselves to recommend that it should be done.

Mr. Mody : I entirely agree, Sir, but the point is this, that the Government of India which would appoint a Committee would not be the Government of India as it exists to-day, but the Government of India of to-morrow. The object of setting up a Committee, on the point which was raised by Major Stanley this morning, would not be served by any of these recommendations. These are recommendations which would come into effect when the constitution came into effect. But supposing it was agreed to-day —I am not suggesting we are all agreed, but supposing that opinion was pronounced here, that it would be desirable to have a Committee set up, just as other Committees will be set up, almost immediately, then there is no provision in these arrangements for the appointment of such a Committee.

Mr. Chintamani : Sir, as I understand the statement which you have been kind enough to read to us, it purports to be no more than a fair statement of the opinions reached, or the opinions not reached, and the tendency of discussion which has been carried on here. It does not purport to pronounce an opinion on the merits of a single question, but it is a faithful reflection of the opinion of the sub-Committee on the various questions to which the note relates. We might divide our discussion now into two parts, and, if it is agreed, as I have stated, that it is a very faithful statement of the opinions so far expressed, it might be adopted as it is, and then on whatever question it is desired to have a further discussion, that discussion may take place, and, in the light of that discussion, any alteration in the present statement may be made after the discussion is over.

Sir Provash Chunder Mitter : Sir, as one of those people who suggested a Committee, I am perfectly satisfied with this statement.

Mr. Zafrullah Khan : Sir, may I suggest with regard to the Indian Civil Service that I do not think there was such unanimity that it should continue to be recruited on an All-India basis. I know that the moment you mentioned the Indian Police Service, everybody said : Yes, they must be continued to be recruited on an All-India basis. But there has been a great deal of discussion and some difference of opinion existed as to whether the Civil Service should continue to be recruited on an All-India basis. If the members think this is properly drafted I have no objection. I did not take part in the discussion, but that is my recollection of it. Two dissented, but it was at your suggestion that the matter was left over.

Dr. Ambedkar : I am in favour of both the Services being on a Provincial basis, but I am prepared to make an exception in favour of the European element in those two services.

Mr. Zafrullah Khan : I agree with Dr. Ambedkar.

Sardar Sampuran Singh : I endorse the same view.

Chairman : I am much obliged. That will certainly go in.

Dr. Ambedkar : On page 2, in the paragraph beginning " No doubt such government if it requires," and so on, you have mentioned the question of the

reorganisation and readjustment of the departments of Public Services, etc. May I know whether you will add also the question of the basis of salary, in view of the discussions that took place this morning.

Chairman : That comes within those words, I think.

Mr. Basu : Sir, I desire in my remarks to point out that we have stated here the Indian Civil Service and the Indian Police Service. One can understand our stating the Indian Police Service in this Report, because the Police is a department that one knows must be continued ; but the Indian Civil Service as it has existed is a Service of a peculiar kind which may not be required in the way in which it now stands by the future Government of India. They may have specialised judicial departments recruited from practising lawyers ; they may have a special customs department with men who are recruited because of their special qualifications for the customs, and so on. The Indian Civil Service as it existed, I believe, from the early days of the 19th century, from the days of Lord William Bentinck, is more or less an anachronism at the present day, and therefore what I wanted to say was if we state " The Indian Civil Service " we probably may be taken to have indicated that we desire that the Service as it has stood for one century should be continued ; but that is probably not the intention of many of us.

Chairman : That is why I put in those words " reorganisation and readjustment." I contemplated it, of course, as certain that when the new Government of India starts functioning, its first task will be to look into the Services and see what should be done about that. It must do that, I should think.

Lord Zetland : On that point may I say this. Members who have spoken about the Indian Civil Service have, as often as not, suggested that members of the Indian Civil Service are mainly employed as specialist officers ; but that is, of course, not so. Nearly all the Indian Civil Service Officers are employed as district officers, as district magistrates, revenue officers and so on ; and if you are going to do away with your Civil Service, how is it proposed that the duties of district officers, revenue officers and so on are going to be discharged ?

Mr. Basu : As I pointed out yesterday, the function of a district officer has changed. The district officer, say, about 60 years ago, was the man who looked after the municipalities of the towns within his jurisdiction, who looked after the roads, the dispensaries, and various other things concerning the district, who looked after criminal work, who looked after the police, and so on, but gradually he has been divested of a great many of his functions and new authorities have been set up who in many cases have nothing whatever to do with him. So in that way we have changed even under the hard and fast system under which we have been living. We have not succeeded in avoiding the stress of modern life, and we have done that, and every day we feel that stress, and it may be that there will be special revenue officers, for instance, so far as revenue work is concerned, where we are tapping new sources of revenue, and where we are having readjustments of the old sources ; so that the kind of revenue work that our revenue officers have been used to, probably may not be the kind of revenue work that they will have to do in the future. As regards district administration, looking after the police, as I pointed out in my remarks yesterday, we have one superintendent of Police, an efficient officer, supported on many occasions by a Deputy Superintendent and an Assistant Superintendent, with a Deputy Inspector-General at the Divisional Headquarters and an Inspector-General at the Provincial Headquarters ; and having regard to the facilities of communication we do not need, at the present day, we have not the same requirement for, a district officer who has all functions vested in him as probably it was necessary in the days when Lord William Bentinck established the system in the 'twenties.

Chairman : But we are not considering the reorganisation of the Civil Service. Our terms of reference are such that we can hardly consider that matter. I am getting as near the line as I can in this Report, and I have probably exceeded our terms of reference in many respects. We cannot have a general discussion as to what development of the Services will be necessary in future. That is a matter which will have to be considered by the future Government.

Sir Cowasji Jehangir : What we want to make clear is that we are recruiting for a Civil Service of the standard as it exists to-day. What work it shall do in the future is a matter with which we are not concerned to-day. If that is made perfectly clear in this Report—and I think it is very clear indeed—I have nothing further to say. I want your opinion, Sir. We are not committed by the Report as it is worded to a policy of continuing the Indian Civil Service with all the work it has got to do. We are not committed to that.

Chairman : I entirely agree with every word you have said. We are not committed to continuing it as it is. We are not committed to altering it. Either occasion is really outside our terms of reference.

Sir Cowasji Jehangir : We can recruit whatever number we want of the quality and standing of the I.C.S. in this method.

Sir Shah Nawaz Bhutto : We want to maintain it as it is at present.

Chairman : What shall we do now ? Are there any amendments proposed to this. Let us have definite amendments if there are any ; or some people may want to dissent altogether.

Sir Cowasji Jehangir : I should like my dissent noted. I should rather have the Irrigation Branch added amongst the All-India Services.

Mr. Basu : Limiting it to Bombay, or extending it to all the others ?

Sir Cowasji Jehangir : It must be in all other Provinces. Irrigation is of such importance that I think that the Irrigation Department should be an All-India service.

Raja Narendra Nath : I agree with that.

Chairman : Four members of the Committee agree with that. Shall I simply say " some " ? Or shall I name them ?

Sir Cowasji Jehangir : Simply say four members.

Chairman : Very well. Nobody, of course, must regard himself as committed to a thing which I have just read out for the first time. All I am trying to do is to get a sort of draft Report to form the subject of discussion on the Report Stage.

Now, shall we discuss Number 5, " Recommendations concerning the Civil Branch of the Indian Medical Service " ?

Lieut.-Colonel Gidney : Sir, being the only medical man in this sub-Committee, I find myself in the favoured position of having some personal and intimate knowledge of the subject we are now discussing. I, however, desire to preface any criticisms I may make with a high tribute of appreciation of the great and valuable services the Indian Medical Service has rendered to India. Till the introduction of the Reforms, the civil medical service of the country was practically controlled by the Government of India, by the Director-General, Indian Medical Service, and in the Provinces by the Surgeons-General or Inspectors-General of Civil Hospitals. Since then Medicine has been an entirely transferred subject, in the hands of Ministers. The point to note here is that even after the introduction of the Reforms the appointments of Surgeons-General and Inspectors-General were retained, which work could easily have been performed by the Secretaries. This retention is, in my opinion, the reason of the present conflict that often exists between Ministers in charge of Medicine and the I.M.S. Heads of the Departments in the Provinces. Perhaps you may not know, Sir, that in

each Province there are water-tight compartmental divisions in the Medical Service such as the I.M.S. civil assistant surgeons, military assistant surgeons and sub-assistant surgeons, and though the Medical Service is the most highly scientific of all, it is the only Service in India in which a subordinate, however able he be, can never rise to the highest appointments, i.e., once a subordinate always a subordinate. This condition does not obtain in England or in any other country. This is one of the reasons which accounts for the present state of discontent in the Provincial Medical Service. Moreover, Civil Surgeoncies in the Civil Medical Services are arbitrarily divided into different grades and classes—good, bad and indifferent. In addition there are certain professorial appointments in our capital towns, and there is no denying the fact that at present the plums of all these appointments go to the I.M.S. Indeed, until very recently most of the professorial Chairs were filled by I.M.S. officers. Bombay stands out in marked contrast with other Provinces in that most of these Chairs are held by private Indian medical practitioners. There also exists a marked difference in allotting posts to members of the Provincial Medical Service, with the result that the I.M.S. men usually get the best Civil Surgeoncies. Indeed, I would say that most of the selected and lucrative appointments in the Provincial capital towns are almost an I.M.S. family concern divided between four and five favoured officers. In this discussion I feel I must give you a true picture of what takes place in the Provinces, irrespective of the fact that I am a retired I.M.S. officer.

Now, Sir, there is no use claiming that because a man has an English degree he is therefore *ipso facto* fit for any special appointment. The degree does not make the doctor; the doctor makes the degree, but I feel I must admit that of all Government Departments in India the Medical profession is the ideal for Indianisation. India possesses a number of medical men, both surgeons and physicians, who are second to none in the world, and as a surgeon of over 30 years' experience, one who has held professorial appointments both in England and India, I am in a position to say that there are many Indian medical men who are as good as, and in some cases better than, members of the I.M.S., despite the many scurrilous and wholly untrue criticisms that have been made on Indian medical men—for instance, a recent book written by a judge of the Allahabad High Court, Sir Cecil Walshe. Judging from previous speakers, there seems to be a desire to separate, if we can, the I.M.S. from the Civil Medical Department and to constitute it into a purely Military Service. We have no concern with the Military Medical Department. We are here dealing with the civil branch only. The I.M.S. as it exists to-day is recruited by nomination—which I consider is a very faulty system. Sir, whatever decision we arrive at in this Committee there is one point which you have to keep prominently in mind, and that is that the system of recruitment for the I.M.S. is wholly wrong. Notwithstanding this, the fact remains that the I.M.S. is essentially and primarily a Military Service to-day; it's surplus officers being utilised as a war reserve in the Civil Medical Services. These surplus officers being utilised as such are appointed to the various Provinces as Civil surgeons, professors, etc.

Recently orders have been issued by the Secretary of State in relation to such civil I.M.S. officers, which have placed Ministers in charge of these Departments, as also civil and military assistant surgeons, in a very anomalous position, often resulting in conflict between the Minister and the Surgeons-General and Inspectors-General.

Sir, an I.M.S. officer is really an All-India Service officer, and he is really under the control of the Army authorities, which Department has a prior claim on his services. The Secretary of State, as the result of various petitions, has recently issued orders in which certain Civil Surgeoncies and Professorships have been exclusively allocated to British I.M.S. officers, others to both European or Indian I.M.S. officers, and others to Provincial Medical Service officers. These appointments have further been divided into those to which only European I.M.S. officers are eligible, and those to which only Indians are to be appointed. Objections were raised to this racial distinction but the recent orders of the Secretary of State state that the vested interest of I.M.S. officers must be maintained—which means that if an I.M.S. officer held an appointment as an officiating charge he has a lien or a vested interest in the appointment, and therefore he cannot be denied such a claim when the appointment falls vacant. This and other orders from the Secretary of State have certainly caused a tremendous amount of discontent among the Civil medical profession and the Provincial Medical Services; and, Sir, I frankly admit I am one with them in this feeling of discontent. I consider it is quite possible to evolve a scheme which will give the Indian Army a class of military medical officers, and at the same time provide a war reserve. Let the I.M.S. examination be by open competition, not by nomination, let this examination be held simultaneously in England and India, let those who are recruited from England be under the orders of either the Secretary of State or the Government of India, as the new constitution will sanction, while those who are recruited in India should be under the Government of India. This should be an All-India Service for the Indian Army only.

The Provincial Medical Service as it exists to-day should be scrapped, and reorganised on a better and more attractive basis. It should be open to all communities by open competitive examination conducted by the Public Services Commission and be exclusively used to supply all the medical needs of the Provinces. Appointments in the Provincial Medical Services should contain a clause that every medical officer should undergo an adequate annual military medical training so as to constitute a war reserve for the needs of the Indian Army; this Service to be under the control of Local Governments.

It is no use saying you cannot get suitable candidates. You can get them; but I feel I must admit that the class of candidates we are recruiting to-day for the I.M.S. from England is not the best. They are not as good as are being obtained to-day in India and I speak from personal knowledge. I submit, Sir, that we should in this sub-Committee resolve that the Civil Medical Service should be recruited in the Provinces, that the recruitment should be by open competition, and that it should be entirely under the control of Ministers recruited by the Public Services Commission.

There is no doubt that the recent orders issued by the Secretary of State have created great discontent, and the only way in which we can remove that discontent is by having a Committee of Enquiry into the I.M.S. as it stands to-day. We have had many Committees of Enquiry but not one of their recommendations has been accepted. The Lee Commission accepted a recommendation by a R.A.M.C. officer of high standing, but even that was never given effect to. I submit that this question is so complicated and so intimately related with the needs of the Indian Army that a Committee of Enquiry should be set up at once. Now, Sir, I come to the question of Indianisation of the I.M.S. which this Committee must consider. In my opinion Indianisation of the I.M.S. must be considered in relation to the recommendations of the Defence sub-Committee so far as Indianisation of the Army is concerned, i.e., *pari passu* with increased Indianisation of the Indian Army officers there should be a corresponding increase in Indianisation of the I.M.S., so that in time the I.M.S. will be an entirely Indianised Service.

The time has come when we must face things squarely and without prejudice, and I for one would give my hearty support to any recommendations based on what I have tried to outline. I, therefore, submit we should make some specific recommendation in this sub-Committee that the Civil Medical Services should be provincialised and placed under the complete control of the Minister, and that a Committee of Enquiry should be set up to examine the position of the I.M.S. in all its bearings, keeping in mind

the recommendations of the Defence sub-Committee so far as Indianisation of the Indian Army is concerned.

Sir Provash Chunder Mitter : In the first place I desire to place some materials before this sub-Committee which will go to show how difficult and anomalous the present position is. The safeguarding of the existing members of the Services has already been accepted, so that those at present in the Indian Medical Service are safeguarded.

By the orders of the Secretary of State, passed after the recommendations of the Lee Commission were considered, certain districts were to be under the control of British I.M.S. officers. By a circular issued, I believe, speaking from memory, in May, 1920, not only were certain districts placed under British I.M.S. officers, but some of the most lucrative appointments in colleges were reserved for British I.M.S. officers. So far as I am aware, this is the first occasion on which the racial issue has been frankly raised, between British and Indian members of the Indian Medical Service. There is no such racial issue in the Indian Civil Service or in any of the other All-India Services, and this has adversely affected the British I.M.S., more seriously than they seem to realise at the present moment.

There is a further difficulty. The Lee Commission, in the interests of British officials living in the mofussil, decided that certain British I.M.S. officers should be in those districts, but the British I.M.S. officers do not like to go to the districts ; they prefer the more lucrative appointments in Calcutta (to speak of my own Province) and the appointments in the colleges, which are found to be lucrative ; so that the local government—I do not speak of the Minister alone, but of the Minister, the Secretary, and the Governor—are placed in this very difficult position, that they want to carry out the orders of the Secretary of State about posting British I.M.S. officers, but they do not get loyal assistance from the members of the Indian Medical Service. That is quite apart from the question of whether the differentiation between British and Indian members of the same Service is right or wrong. The Secretary wants to help the Minister in carrying out the orders of the Secretary of State, and the Governor wants to help the Minister in carrying out the orders of the Secretary of State ; but if the members of the Service are not very anxious to go to the mofussil it places the administration in a very awkward position. That is one difficulty.

Another difficulty is that it is not a question of dual control but of triple control, for Army Headquarters from Simla can pass their orders. That being the position, the fact is that to-day there is a tremendous feeling, even amongst the most moderate Indians, against the attitude taken by a limited section of the British officers of the I.M.S. A fair number of British officers of the I.M.S. see the difficulty and take a more reasonable view of the position.

If in the profession in towns like Bombay, Calcutta, or Madras there are not only Indian professional men who do not belong to the I.M.S. but also British practitioners with a large practice, the British commanding a large practice amongst the British and Indians, and the Indians commanding a large practice amongst the Indians and also amongst a fair number of the British, is there any reason why, in the large towns at any rate, it should be necessary to retain British officers of the I.M.S. for looking after the families of British officers ? British officers in towns like Bombay, Calcutta and Madras can easily obtain the services of British medical men if they desire to do so. I can readily realise their natural desire to do so, but I also know that when it is a question of life and death neither the British nor the Indians would hesitate to place themselves under the treatment of doctors of another race. That being the position, is it right, is it fair, is it consonant with common sense, to force decisions in that way, quite apart from the responsibility which rests on the Government ?

We have to approach this question mainly in connection with our terms of reference, the relations of the Services with the future constitution. From that point of view all the arguments which have been advanced with regard to the All-India Services apply, but, apart from the arguments advanced with regard to the All-India Services, the arguments in favour of a separate Indian Medical Service lose much of their force. It is not a Security Service. I am one of those who believe in give and take, and I am one of those who believe in safety. Therefore as regards the Indian Civil Service and the Indian Police Service I am in favour of giving powers of recruitment for some time to come. I know many of my friends do not agree with me. But that is a different matter. The arguments with regard to security and safety cannot possibly apply to the Indian Medical Service, and therefore I am not in favour of recruiting the Indian Medical Service as an All-India Service.

At the same time, from the point of view of giving medical relief I welcome any good medical man, whether he be British or whether he be Indian, in India, and the really good British medical man has nothing to fear. I know there are many good British medical men who command a large practice in the important towns, and I also know that because some British medical men have been placed in positions which, according to the judgment of the public and the judgment of the profession, they do not deserve to hold, they do not get that amount of practice which they would have got but for this prejudice against them.

I am therefore in favour of not retaining the Civil Branch of the Indian Medical Service as an All-India Service, but there is one point on which I think it is only right that I should touch. There is the defence point of view, that there ought to be an Army reserve for purposes of defence. You may have that Army reserve, first of all, in the Army itself ; a fairly large number of British medical men serve with the Army. If their present pay is not attractive, that is a question which you may consider on its own merits ; but to compel the Provinces to pay, with the money of the taxpayers, for a function for which the Provinces are not responsible is not the right way to deal with the situation.

The Army also requires Indian medical officers, and with regard to them I would say that you can give them a course of training so that they may serve as a reserve for the Indian Army. With regard to the British Army reserve, you have a fair number of British medical men in India to-day, and you may also train them, if you like, as a reserve for the Army. But those are questions which, if you do not consider them from the constitutional point of view, will lead to such confusion that the results will be disastrous, and therefore I will answer the question by saying that the I.M.S. should no longer be an All-India Service, subject to the requirements of the Army.

Lord Zetland : This question is admittedly one of very great difficulty. It has been considered by many bodies for many years past, and it may at first sight seem anomalous that you should have have serving in a civil capacity under the Provincial Governments a number of military doctors. Let us just understand, however, what the exact position is. By far the greater part of the medical work done under Government—and when I use the word Government I mean, of course, all the Provincial Governments and the Central Government—in India is not done by the I.M.S. officers at all ; it is done by the Provincial Medical Services. These are recruited by the Provinces and over them the Provinces have complete control, just as they have over other Services like the Agricultural Service and so on. That being so, anyone who does not know what the situation is might very well ask why you should insist on the employment, under these same Governments, of a limited number of military medical officers.

The answer to that question is quite simple, and it is twofold. It is in the first place what has been pointed out by Sir P. C. Mitter, that from the point of view of the general economy of India it is economical to employ your surplus military doctors, whom you may require to call up in time of war, in a civil

capacity during time of peace. That is the first answer to the question.

The second answer to the question is that rightly or wrongly—but you cannot get over the fact—the European members of the Services do demand that there should be within reasonable reach of them and their families, their wives and their children, a European medical officer. It may be thought that that is an unreasonable prejudice, but you cannot get over the fact that that prejudice exists. The Lee Commission, which made its report only some six years ago, and on which there were certainly four Indian members, said that the almost universally expressed anxiety of British members of the Services in India to have access to British medical advice for themselves and their families was intelligible, " and in our opinion ", they said " this provision is vital to their contentment ". That, therefore, is the second part of the answer to the question why a number of military medical officers are employed in civil employment under the Provincial Governments in India.

May I just point out, Mr. Chairman, that as a matter of fact the number of officers so employed is comparatively small. In the whole of India there are only 200 odd posts reserved for members of the I.M.S., and those are not exclusively reserved for European members of the I.M.S. , ; a portion of them are available for Indian members of the I.M.S.

A number of these posts are posts under the Central Government—special posts in the Agency Tracts and in places like Baluchistan and so on. The actual number of posts reserved for members of the Indian Medical Service in the Provinces in India —that is to say, officers serving under Provincial Governments—is at the present time only 178.

Of those 178 posts, while I have not in my mind the exact number I think only 112 have been reserved for European members of the I.M.S. Those are the answers to the question why for a long time past military medical officers have been employed under the Provincial Governments in a civil capacity.

I should like to refer for a moment to the point raised by Sir P. C. Mitter, when he said there was difficulty in persuading these members of the Indian Medical Service to take up posts in the mofussil. He said they preferred to serve in the big towns such as Calcutta, where the amenities of life were greater and the remuneration which they were able to obtain for their services greater still. May I point out to Sir Provash that it is quite definitely laid down where these persons are to serve, and, taking the case of Bengal, I find that 13 out of the 22 posts reserved for I.M.S. officers in Bengal are in the mofussil. That is laid down.

Sir Provash Chunder Mitter : If I may comment on that, very many members—British members—of the Indian Medical Service object very strongly to going ; they put forward some excuse or other, and it has been very difficult for the local Government to deal with the situation. They could force them to go with the help of the Director-General, but that is a different matter. They went most unwillingly.

Lord Zetland : If that is so, may I say the local Government failed in the proper discharge of their duty, because, as I have already pointed out, the whole object of reserving a certain number of posts for European members of the I.M.S. is to secure that the other European members of the other Services shall have, within access of themselves and of their families, a European medical officer. It is for that reason that the districts in which the European members of the Indian Medical Service have to serve in Bengal are specifically laid down.

Sir Provash Chunder Mitter : The local Government did not fail in its duty, but in view of the discontent in the Service it was very difficult to discharge that duty.

Lord Zetland : I am at least glad to hear that the Government of Bengal did not fail in their duty, and if they did not fail in their duty then they did send these European members of the I.M.S. to the mofussil districts which are reserved for them under the orders of the Secretary of State.

I have nothing more to say on this subject. To the best of my ability I have put before the sub-Committee the reasons for the present position, and since it has been held by so many bodies, including the Lee Commission, that it is vital to the contentment of the European members of the other Services that they should have this form of medical service available to them, I do not myself see how, for the present at any rate, we can get away from the existing system.

Lieut.-Colonel Gidney : Will the noble Marquess tell me, with reference to the need of European doctors in the Provinces for the medical needs of the European officers and their families, could not that be just as easily obtained by the reorganisation of the Provincial Medical Service into which Europeans should be allowed to enter at a certain ratio ? You would then not only supply your needs for the European officers and their families, but you would also give a European introduction to that service. Might it not be done in that way, and so retain your war reserve, retain your prejudices against Indian Medical men, and also supply employment for Europeans ?

Lord Zetland : If the Provincial services could guarantee that they could recruit the number of European medical officers required, that part of the problem could be dealt with in that way ; but I still fail to see how that would provide for the medical reserve for the Army.

Lieut.-Colonel Gidney : I mean let every member of that Service be subject to a military training such as you have in England. For the R.A.M.C., the Territorial Force Medical Service is the reserve in time of war, the same in India, we have an Indian Territorial Medical Service, and we have a Medical Service attached to the Auxiliary Force. Can it not be done in that way, so that the members of the Provincial Service may receive a military training every year as a term of employment ?

Lord Zetland : Then as far as I can see the position would differ very little from the position now. You would still have your number of medical officers. Those medical officers would have to be military men if they are to be qualified to serve with the Army in time of war, and I really cannot see any difference between that proposal and the existing system.

Mr. Basu : The question we are considering is whether this medical service shall be Provincial or Central. The Marquess of Zetland has referred to two very important considerations. One is our defence requirements, that is to say the creation of a body of medical men to be drawn upon in case of war. The other is the need of British officers in the other Services. As regards the military requirements, Colonel Gidney has pointed out that there is no dearth of qualified medical men in India. In fact during the war India did supply a very large number of medical men who distinguished themselves not only in the Eastern theatres of war but also in the Western theatres of war, and they did not fail in their duty.

As regards the second point raised by the Marquess of Zetland, he is aware that during the war practically the whole of India was almost denuded of all European medical officers, and various important charges, like the charges of districts, and professorships at the various medical colleges, had to be entrusted to Indians. The British officers in the other Services that were there at the time did not make any objection, probably in view of the exigencies of the war. There has been no complaint that their medical requirements were not properly looked after by the Indian medical men who were then drafted into the service of the State during those four or five years. Those men were either independent practitioners not in the service of the State, or were Assistant Surgeons, or men with medical qualifications obtained at the various medical institutions and hospitals in India itself. Where you make certain reservations of posts for European medical officers, you do it to satisfy the

so-called needs of a very few persons. In some districts there are three or four or five European officers, and you force upon the local Government a very highly paid officer for the purpose of satisfying the so-called requirements of those few men. That is a very great injustice to the general taxpayer, when it has been found in practice that Indian medical men can do the work just the same. I am told, sir, that there are about 200 Indian medical men settled down in this country, in England, practising here to the satisfaction of their patients, and their patients are not Indians. Of course, there is that prejudice to which Lord Zetland has referred, but we all know, sir, that prejudices have to die down at some time or other, and the sooner they do the better.

There is one thing further : In the principal towns like Calcutta and Bombay, there are quite a number of European medical men who are not in the service of the State. Calcutta has a very large European population, and there are a good many English medical men there who are practitioners without being in the service of the State. Having regard, as I said on a previous occasion, to the facilities of communication, it is not difficult for them to visit the districts and to reach any patients who may require to be treated.

Further, sir, so far as Bengal is concerned, it is almost the general rule, and there is a very well equipped hospital, specially set apart for Europeans, known as the Presidency General Hospital in Calcutta, which is one of the best equipped hospitals in India. In all cases of serious illness amongst Europeans, whether they are in the service of the State or whether they are non-official, they always go to this Presidency General Hospital where they have the benefit of the best treatment. So that the treatment in the districts is practically nil for all practical purposes. Medical men are there ; very little occasion arises for their services to be requisitioned, and their services are requisitioned by a very small number of people. You have to consider all those things.

On the other hand, sir, as Sir Provash has pointed out, there has been a great deal of heart-burning in India owing to the way in which the medical service has been recruited centrally by the Government of India. You do not consider the needs of every Province. In my Province, as the Marquess of Zetland very well knows, there are certain peculiar health problems, and we want a particular class of medical man. The Government of India, on the other hand, drafts on us a number of their I.M.S. men of a type which we do not require. On the other hand, if we could have utilised that money in providing the class of medical men who could successfully deal with the particular kind of deficiencies in public health with which we are faced, we could have got on better ; there would have been better treatment from the point of view of health. So I submit, sir, that from practical considerations and from considerations of sentiment, it is necessary that the Civil Medical Service should no longer be Central but should be Provincialised.

Sir Edgar Wood: Sir, as Lord Zetland has remarked, this is a very difficult question indeed. I think it is very closely bound up with this question of recruitment of Europeans for the Services in India. I do not think that, unless some provision is made for medical attention by European doctors, the response to a demand for recruits for India will be such as it ought to be. That is why the Lee Commission has provided a certain ratio of recruitment to the Indian Medical Service. I certainly do visualise a time when the European private practitioner will come out to India in larger numbers, and the European needs will be met in that way. We cannot merely judge this matter on sentiment ; it is a question of hard facts, that Europeans have a preference for being medically treated by their own people at present. I have often gone to an Indian medical man, and I have never regretted it ; but we have to remember that if Europeans are to be recruited, European medical men will have to be provided I think. It is, as the Lee Report says, vital to the contentment of the services.

I would very much like Sir Provash to let us know his ideas on this question of military service. How is he going to get over that ? The I.M.S. are required for military service, and we cannot in saying that we will do away with those, forget that they are for a specific purpose as a reserve, besides for the purpose of attending on Europeans. As I say, there will probably be a time when private European medical practitioners are there, and that would meet Sir Provash's objection to making a definite service of it. But he would have to add to that, I think, that he would be prepared to give an allowance to Europeans to pay for the services of these private practitioners, because at present a free medical service is provided. If he would agree that it would be quite reasonable to pay allowances for medical fees, I think perhaps it would be largely met in that way. But I cannot see yet how he can get over this question of liability for military service.

Sir Provash Chunder Mitter : There is a question of providing for military service, but with that there is the natural desire of the British members of the Services to be treated by their own countrymen. As regards the natural desire of the British members of the Services to be treated by their own countrymen, I am willing to concede that those British members of the Services who are in the mofussil, in the country districts, would be treated by their own countrymen ; but I hope Sir Edgar will also concede that those British members of the Services who are in Calcutta or near chief towns where British medical men are available, would not insist on British members of the Service being posted there. Then as regards those who are in the country districts, the Provincial Medical Service may consist partly of Indians, partly of British and, if need be, partly of Anglo-Indians, if the British members have no objection. Then they can ordinarily be posted in those districts and that will meet that desire.

As regards the Army Medical Service, I have two points to make. The first is that after 1921 the Central Government is responsible for Army administration, and this is really a legacy of the past, before the separation of parts. Now after separation of parts of the Central Government and of the Provincial Government, it is unfair to fasten upon a Provincial Government the duty of meeting Army expenditure. But it may be said that a Provincial Government is dealing with a part of India, and from that point of view I am quite willing that the Provincial Government should be ready to take a certain percentage on their own terms. The Provincial Government would take a certain percentage of the Indian Army Reserve, British or Indian, for temporary employment, say for five years at a time. After one set goes, another set will come. That is a general principle. We are here dealing with general principles ; we are not here dealing with details. I am quite ready, if necessary, to say it can be done. I will explain it. Lord Zetland has given us some figures, and I believe those figures are accurate, though I do not carry them in my head. We want a comparatively small percentage of our total requirements to be employed in the Provinces. At the present moment all that percentage is taken from the top. There are military surgeons ; there are military assistant surgeons ; we take both. We may take a certain percentage of military surgeons and a certain percentage of military assistant surgeons ; but that ought to be a matter of negotiation between the Provincial Government and the Government of India, provided those officers can discharge the needs of the Provincial Government. Speaking for myself, although Mr. Chintamani says he does not agree, I am quite willing to go into that matter ; I think it is quite feasible. But what I do particularly object to is this anomalous constitutional position. It is not really possible for the Constitution to function if you have two or three authorities butting in, and if, on top of that, the British officers, who ought to look after the interests of their own countrymen, object to going to mofussil stations because it is not attractive enough.

Lieut.-Col. Gidney : Sir, may I add something to an important point in view of the remarks made by Sir Edgar Wood. I sympathise with the demand of

European families requiring their own doctors. Might I tell this Committee that at present there is a Secretary of State's order which gives to every official of non-Asiatic domicile the right to consult any surgeon or physician. The fees are paid by Government, the travelling allowance is paid by Government, the medicines are paid for by Government, the nursing charges are paid by Government; the only expenditure that the official incurs is for diet and the hospital charges for accommodation. So that, Sir Edgar, you really have that privilege already in abundance. May I add that this order perpetuates racial discrimination between persons of Asiatic domicile and persons of non-Asiatic domicile. Any officer of the I.C.S. or any other Service including Railways, cannot get such free specialistic treatment if he is of Asiatic domicile. It will thus be seen that European medical attendance, free of all charges, is given to all British officials.

Sir Edgar Wood : Not from a private practitioner, I think.

Lieut.-Col. Gidney : Yes, anybody, the medical officer of the station, or the railway, or the department concerned has the power under the Secretary of State's order to recommend specialistic treatment for his non-Asiatic domiciled staff.

Sir Edgar Wood : That is not ordinary treatment; that is specialist treatment.

Chairman : Your resolution, Colonel Gidney, was I think to this effect: That the I.M.S. should in future be recruited entirely on a Provincial basis, organised, if you like, as before, entirely on a Provincial basis; that the Provinces should endeavour so to organise their services as to have available a number of doctors for a war reserve, and to have European doctors within reasonable reach of those stations to which European members of the Civil Services are appointed. I think that was the effect of your resolution ?

Lieut.-Col. Gidney : I did not ask that the I.M.S. should be a Provincial service. I asked that there should be a separate Provincial Medical Service.

Chairman : Would you mind, Colonel Gidney, sitting down and writing down what you do mean ? Let us adjourn to give Colonel Gidney time to write that down.

(*The sub-Committee adjourned for a short time.*)

Chairman : Colonel Gidney's resolution is not yet available, but as soon as I get it I will have it read to you.

Sir Cowasji Jehangir : I am not going into the details about the re-organisation of the Service. Colonel Gidney has gone into the subject of the re-organisation of the Service, though we have not yet seen what his intentions really are, but I am going into what I would call the crux of the question so far as we are concerned and so far as it has been criticised in India and dealt with by the reports which we have had placed at our disposal.

I touched on the main question on the last occasion when I spoke, and I am not going to repeat myself. The position is that there are 237 posts reserved for the I.M.S. in the Civil Department, out of which 178 are in the Provinces. Out of those 178 posts, 112 are reserved for Europeans. The Europeans must hold 112, and the remaining 66 are open to either Europeans or Indians. That is the position in the Provinces. In the Government of India there are 59 posts reserved, out of which 31 must be for Europeans, the remaining 28 posts being open to both Indians and Europeans.

I have not yet been able to fathom why in the Government of India a certain number of posts should be reserved for Europeans, but we know why in the Provinces these posts have been reserved for Europeans. They are, as explained by Lord Zetland, for certain districts which have a small European population who demand that they shall be treated by their own countrymen, and therefore, if you look through the main list, you will find that all the important districts in each Province are reserved for Europeans.

Most important districts are reserved for Europeans, that is to say, the places in which there is a big private practice, which brings in a very handsome income indeed, are reserved for Europeans on the ground that a very small—an infinitesimal—population in that district happens to be European. In some districts there are only 25, 30, 40, or 50. In the United Provinces, I find Benares is included. In Bombay, anyone knowing Bombay will realise that these are the most important districts—Ahmedabad, Poona, Belgaum, Mahableshwar and others. All these are reserved for Europeans. All the private practice goes into the hands of those men and that is the complaint of the private medical practitioner and of the Indians in the Indian Medical Service—this racial discrimination.

We have received the explanation. Whether that is a sound explanation or not is for the delegates to consider. I can understand, Sir, any national, whether he be German, French, English, or Japanese, stating that if he goes to serve in a foreign country he can demand from his Government the services of members of the medical profession with qualifications equal to those held by his own countrymen in his own country. I can understand that demand. It is a legitimate demand and a fair demand, both for himself and for his wife and children. But I cannot understand a demand that that man, who has those qualifications, should also have a white colour and not a brown colour. There are large numbers of Europeans—English, French, and German—in Japan. The Japanese have got the highest qualifications, and although there are European practitioners in Japan I know that the Europeans go to the Japanese practitioners, because they are better, and better qualified.

With regard to what happens in the big cities of India, I can speak with experience of Bombay, where the biggest practices are held by Indians with qualifications equal to any that be can obtained in the world, and Europeans go freely to them by choice, although there are numbers of European practitioners in the city; because after all, when it is a question of life or death, as has been said, it is not a question of colour but of skill. You trust your life to the best man, whether he be brown, black, white or any other colour. Therefore the demand is legitimate, fair and just that wherever there is a small population of Englishmen the Government should make available a practitioner with qualifications to their satisfaction —not to the satisfaction of Government, but to their satisfaction.

Mr. Shiva Rao : Suppose they want a London M.D.

Sir Cowasji Jehangir : No, they cannot have a man with a London M.D., but a man with English qualifications.

Mr. Shiva Rao : Does Sir Cowasji suggest that Indian Medical Degrees are inferior to English, or what is his suggestion ?

Sir Cowasji Jehangir : No. I have already stated what I suggest. I say an Englishman in India, if he is serving in India, can demand from his Government a man to treat him with qualifications equal to those he can get in his own country.

Mr. Chintamani : His Government ?

Sir Cowasji Jehangir : The Indian Government is his Government; he serves in India under the Government, and the Indian Government is his Government. I think he can legitimately demand a man with the qualifications he could get in his own home, but beyond that he has no further right to demand anything, and the main point is that it is not difficult for Government to recruit such men in India to-day. They are to be found by the dozen.

They are prepared to go into the Provinces if you pay them. If you can pay an English civil surgeon

Rs.2,000 a month to go to Ahmedabad, why not pay an Indian with better qualfications the same amount to do the same thing? Why does the question of money come in? A brown doctor with a London M.D. is worth the same money as a white one, and if Government pay Rs.2,000 to send an English qualified man to Surat they should be prepared to pay a brown man the same amount. I therefore contend that would be a just claim and a claim to which we can agree with some equity and justice, but I think this great injustice to the Indian Medical profession should now come to an end, and we should unanimously agree that there should be no distinction on grounds of colour in this Service.

I am not going into the question of re-organisation; that is a very big question which will have to be decided later on by a Committee—as to how many I.M.S. men should be in the Provinces, and whether they should be recruited by the Provinces as a reserve for the Army. That is a question to be discussed later on, a question for the Government of India of the future to decide. We are mainly concerned with this problem which is facing us in India, and about which there has been all this criticism and heart-burning, and we have come to feel that the criticism is justified and that the heart-burning has a foundation which, if not attended to, will create more bitterness and will make things impossible for Government in the future.

We have protested against this order, but naturally we have had no chance of doing so effectively. Just as some of our friends have put their case frankly, from our point of view we have attempted to do the same. If we succeed, well and good; if we fail, we shall be told by our countrymen that we may have succeeded in bringing back a full measure of self government, or perhaps not the full measure of self government that we hoped to get, but that we have not removed a distinction in the public service prejudicial to Indians, which is not only a question of a few posts, but which is an insult to a great Medical Service in India, a Service which has produced men with qualifications equal to any in the world, a medical profession which is second to none, as Colonel Gidney has said, and surgeons and physicians of a class of which we are now proud, both in the city of Bombay and in the Presidency, and I trust in the other big cities and Provinces of India. I trust, therefore, that whatever you are doing about re-organisation you will pay attention to this point. I am not really interested in re-organisation, but I am interested in the removal of this distinction. Put a limitation as to qualifications by all means; we are prepared to produce the men; but no further are we prepared to go.

My proposal is that in certain districts where there is a European population there should be a standard of qualification for the civil surgeon, but no colour bar; he must be an English qualified man, or French or German.

Mr. Shiva Rao: But not Indian?

Sir Cowasji Jehangir: He should have the qualifications which Government considers are satisfactory for the people whom he is to treat there.

I think that is as far as we can go, and we can go no further. Remove the racial bar, and I am quite prepared not only to suggest it here but to justify it in India. I think that is as far as we can go.

Sir Robert Hamilton: May I ask Sir Cowasji Jehangir if he envisages it as an All-India Service?

Sir Cowasji Jehangir: Which Service?

Sir Robert Hamilton: The Indian Medical Service.

Sir Cowasji Jehangir: It is not a question of the Indian Medical Service. I am dealing only with the question which has arisen out of the problem of the I.C.S., which has necessitated through the demand of a certain section of the public the posting of only Europeans to certain important districts. The easiest way in which they could do it was to recruit the men from the I.M.S. and that was how they did it. Posts have to be found for a certain number of men of the I.M.S. The number is 302. They have assigned a certain number of posts all over India to those I.M.S. men. They found that was administratively convenient. Every Government will have to have a reserve for war time. Then they found this other problem which had arisen where certain districts had to be furnished with an English medical officer. Naturally they drew upon the reserve of the I.M.S. Why should they go out and find Englishmen to employ when they had a certain number of Englishmen whom they had to employ? Therefore they posted them to those positions, and they made it absolutely incumbent upon any Provincial Government to post those Englishmen to those positions.

Chairman: I have now got the draft of Lieut.-Colonel Gidney's resolution which I now see for the first time. I think that it would be convenient that I should read it:—

> "The sub-Committee recommends that, subject to the rights of existing members of the Service, the Indian Medical Service in the future should have no prescribed share in provincial medical appointments. The Provincial Medical Services should be re-organised and made available to attract the best medical men, whether European or Indian. Recruitment should be made from all classes, with a certain number of Europeans. These Provincial Services should be placed under the control of the local Governments, but certain special appointments, such as those under the control of the Government of India, and for such Institutions as the Presidency General Hospital of Calcutta, the St. George's Hospital of Bombay, and a few others, should be held by British medical officers. To provide a war reserve of medical officers for the Army it should be a condition of employment in these Provincial Medical Services that members should undergo a military medical training. Arrangements should be made as far as possible for the European members of these Services to be available for European officers and their families. Where such arrangements cannot be made, European officers and their families should be allowed to have the services of private European practitioners free of cost."

I am not sure that it would not be a convenient plan if Sir Cowasji Jehangir between now and to-morrow morning were to look at this and see if he could cast his observations into the form of a resolution.

Sir Cowasji Jehangir: I can do it straight away.

Mr. Shiva Rao: May I ask if it is necessary for us to go into such details with regard to this Service? Surely it is quite enough for us to lay down certain principles.

Chairman: I agree that we need not go into these details. If we indicate that reorganisation should take place, as Colonel Gidney indicates, I think that he will probably agree that the rest is hardly for us. Obviously we cannot go into details.

Mr. Chintamani: Colonel Gidney's resolution is good in parts, is not very intelligible in other parts, and in any case it is both unnecessary and, in my humble judgment, beyond the scope of the reference made to the sub-Committee. We are called upon here under Head 5 to make recommendations concerning the Civil Branch of the Indian Medical Service. What should be done with the medical services other than the I.M.S., by whom and when it should be done, are not questions that are left to us for consideration. Limiting myself to the reference here; "Recommendations concerning the Civil Branch of the Indian Medical Service" my answer is simple and brief. There should not in future be a Civil Branch of the Indian Medical Service. The Indian Medical Service owing to its nomenclature is very greatly misunderstood by the man in the street as regards its purpose. He is apt to think that it is a Service with which Civil administration is concerned, like the Indian Civil Service, or the Indian Police

Service, or other Services so designated. The Indian Medical Service is a purely Military Service. In my opinion it should be limited in its activities to the Army, and it should not be allowed to spread its tentacles to any Branch of Civil Administration. The evil of the present system has been repeatedly stated, and has been felt not only be politicians interested in the advancement of their countrymen, but by Provincial Governments. For example, as long ago as 1907, one of the strongest bureaucrats, Sir John Hewett, came out with a long and a loud complaint before the Decentralisation Commission on the ground that Provincial Governments had been reduced almost to impotence by the intervention of the Government of India in matters medical owing to the fact that the Indian Medical Service is a Military Service whose officers are employed in Civil Administration. If there is no Civil Branch of the Indian Medical Service it will be for the Army to consider what should be the numerical strength of that Service for the Army itself. It is not for us to indicate, even if we were competent to do so. Once this preliminary difficulty is got over, it will be for the Central Government and for the various local Governments to consider in what manner they will constitute their respective Civil Medical Services. There are already Provincial Civil Medical Services, and so far as they go, no problem is presented for solution. With regard to officers of a standing over and above the Provincial Medical Service, officers with higher qualifications or with greater responsibilities, that is a matter which has to be examined in detail by competent persons responsible to the Government of India, and thereupon it will be for the Government of India and the local Governments to take the decisions. I am now called upon to answer only one question that has been put, and that may be said to have been the most formidable argument against the constitution of a separate and distinct Civil Medical Service in India. That argument relates to the requirements of the Army in time of war. The Army draws upon the I.M.S. officers in civil employ to make good the medical requirements in time of war. It is said that if this is not done an Army reserve of medical officers would have to be maintained and paid for at all times which was on duty only when there was a war. The remedy for that is the same as is indicated in one of the paragraphs of Colonel Gidney's resolution, namely, that every medical officer engaged by the Central Government and by every Provincial Government should be required to undergo military training which was such that the Army authorities and the Government might prescribe, and to satisfy the same requirements of fitness, for such services they may be called upon to render, as the officers in the I.M.S. now fulfil. The suggestion that has been made to-day by Colonel Gidney is at least 11 years old, because it was put forward by competent medical opinion before the Committee on the Reorganisation of Medical Services appointed in 1919. The question was again examined by the Esher Committee.. It has been examined many times by various Committees. If now on the question of separation of the Civil from the Military we should be content with a recommendation that the matter should again go before another Committee, I should strenuously oppose any such recommendation on the ground that we have had enough of Committees on Medical Services, not one of which has led to a conclusive result, and the recommendations of not one of which have commended themselves to the military, or to the civil authorities or to the unofficial population. All material that can possibly be required by anybody who wants to reach a judgment on the subject is there embodied in Blue Books. The decision has to be taken. The military will care for themselves. The Civil Government can provide for its own requirements, and, in the interests of the taxpayer, who should not be asked to spend more than is necessary, the Civil Government should agree to insert a clause in the contract of service of civil medical practitioners that they shall agree to undergo such training as may be prescribed for them, and to render such service as they may be required to perform, being given additional remuneration for the additional obligation such as may be considered to be reasonable. I think, Sir, that this will be the simplest, as it is the most obvious, and I venture to think the most reasonable, answer that can be returned to this reference as to what shall be done with the Civil Branch of the Indian Medical Service.

Major Stanley : Although we do not quite know the exact form in which the resolution to be put forward is going to be put I think that the general principle which we have to decide is fairly clear. Lord Zetland stated very plainly the two objections that we feel to the proposal, but having stated those objections it is of course open to consider whether there are alternative methods to those at present in force for meeting them. First of all, with regard to the question of the Army reserve, I quite appreciate that it might be possible to meet that case by insisting on reservists among those employed by the Provincial Medical Services, but I would call the attention of the Committee to the document which Sir Cowasji Jehangir quoted, the reorganisation of the Medical Services in India on the question of war reserves. It is pointed out there by the Government of India that from the military point of view alone the reserve will have to consist of 134 British medical officers, the reason given being that in case of emergency British officers will not be able to be recruited in India, and that, therefore, a larger number of reservists actually on the spot will be required than will be the case as regards Indian Medical Officers. Therefore one of the things which the recruitment of reservists by the Provincial Governments would have to deal would be the provision of 134 British members of the Provincial Medical Service.

Mr. Chintamani : Not merely Provincial—including Central.

Major Stanley : I thought that the point there was that whatever adjustments may be made between the Provincial Governments and the Central Government nobody would think of a scheme which made the Central Government keep 134 British medical officers unemployed in case they might at some time or other be required for war.

Lieut.-Colonel Gidney : Why British only ?

Major Stanley : The other branch of the question was the one with which Sir Cowasji Jehangir dealt : the desire of the British Civil Service for medical treatment by British officers. He said rightly that that was prejudice. There is a desire on their part, and it is a desire which some of us would not share and perhaps cannot understand, but still the fact remains that it is there. Those who are already recruited have been recruited on the understanding that that medical treatment would be provided for them. Those who remain to be recruited may be deterred by the knowledge that the right which has been granted to previous entrants into the Service is to be denied to them.

Mr. Shiva Rao : Is Major Stanley quite sure that that has been guaranteed to every member of the Service ?

Major Stanley : I do not say " guaranteed," but it was the practice under which they were recruited. I think that most people would agree that, whatever may be the legal effect, the new recruits did enter under that obligation of the Government which they serve. I should rather like to know what is the practical effect. Sir Cowasji Jehangir will see that this reorganisation envisages what is clear to everybody, namely, that the proportion of European medical officers will gradually decrease. As the proportion of European members of the Services decrease, so also will the necessity from this point of view decrease. I may point out that the effect of this circular, as stated in it, was to release 90 posts which had hitherto been held by the I.M.S. for the Provincial Services. Nobody would suggest, I imagine, that the existing European members of the I.M.S. should be thrown out of the Service. Everybody will agree that their position has got to be safeguarded, and they have got to be retained so long

as their service lasts. Therefore it really comes down to the amount of European recruitment which is going to be made in the future. I do not know if any member of the Committee can tell me, first of all, what that amounts to in a year, and, secondly, if anybody can have any idea how that recruitment is going to be affected by the decrease in the numbers which is envisaged by the circular.

Because it seems to me quite possible that, whatever the theoretical aspect of this may be, in practice, if you join the two things together, the recruitment of Europeans for the Indian Medical Service, not from the military point of view but from the point of view of safeguarding the desires of the Civil Service, is practically going to cease.

Mr. Chintamani : I am not in a position to answer the last question of Major Stanley as regards the number of officers that may be required. I will attempt an answer to his earlier questions. The first related to Army Reserve, and the principal point that he made, if I understood him aright, was that the Secretary of State stated that 134 British officers would be required as an Army Reserve. It should be remembered in this connection that the I.M.S. is for the Indian Army and not for the British Army in India, not for the British garrison in India but only for the Indian troops. The British garrison in India is served by the officers of the R.A.M.C., the Royal Army Medical Corps, the work of which is limited to the British Army in India. So that when we think of military requirements in connection with the I.M.S. we have only to think of the Indian Army, the Indian troops. That being so, I confess it passes my understanding why the Secretary of State should have insisted upon a minimum of 134 British officers. I decline to base my argument upon the proved necessity of 134 British officers. Those assumptions I do not take for granted. Many such assumptions have been made which have been absolutely detrimental to Indian interests in nearly every department, and I am here to see that these assumptions are knocked on the head.

Now, Sir, a certain number of British Medical Officers you may say will still be necessary, though it may not be 134, because the Indian troops are commanded by British officers. Those British Officers do not have R.A.M.C. officers to serve them, and therefore they will require these British people. First of all, let me say I do not accept the argument that an Englishman, be he a military or a civil officer, can only be attended to by an English medical man. That is an assumption that is disproved by actual facts which we see before our eyes in every big town in India where, notwithstanding the presence of British Medical Officers, there are a great many English people who prefer the services of Indian Medical Officers, where they think they will be better served by them. When we say that a Civil Medical Service should be constituted distinct and separate altogether from the present I.M.S., we do not mean that recruitment to that Service shall be limited to Indians. On our side we have not put forward a single proposal that will impose a fresh disability upon a single section of His Majesty's subjects. The Civil Medical Service, the constitution of which we propose, will be open equally to Europeans and Indians, and it is up to the Government of India and the Provincial Government concerned to instruct the Public Services Commission that will be set up under the terms of our own recommendation with regard to the representation of various communities and the public needs, to provide arrangements so that a proportion of the persons recruited to the Civil Medical Service, will be Englishmen, and not all of them Indians. Whether they can do this by means of a competitive examination or by means of selection are questions which it will be for them to decide. Even at the present moment the Secretary of State is sending officers to the I.M.S. by means of nomination. He has gone on increasing the rates of remuneration from time to time, because Englishmen were not available to join the I.M.S., owing to the great opportunities which they have in their own land, and the Indian taxpayer has from time to time been asked to increase the rates of remuneration, and to put up with the material selected by nomination and not appointed as the result of a competitive examination, owing to the obsession that there are so many Europeans, and they cannot afford to replace them by Indians. These arguments must go.

As to the Europeans scattered in the various districts, where there is a European Medical practitioner, official or non-official within reach of them, let them by all means give effect to their preference and go to these European Medical practitioners. And the European officers of the Civil Medical Service will also be posted judiciously in such areas where there may be the greatest demand for them, without at the same time setting up an official racial bar to the appointment of Indians to those stations, such as there is at present. It is entirely a matter for action with common sense on the part of the various Governments concerned, and, as I submitted in a previous speech, the whole of the argument proceeds upon the assumption that there is an element of common sense in the Government.

What is to happen to the members of the I.M.S. who are now in Civil Medical employ. We have already passed a resolution unanimously that any recommendation that we make will be without prejudice to the position of any of the existing members of the Services, and I repeat once more that you will not find the most radical Indian politician who is desirous that a fraction of injustice should be done to or hardship inflicted upon a solitary English officer in any Department in India.

Chairman : Now I have got Colonel Gidney's resolution. I have got Sir Cowasji's resolution now, which I will read: "No civil appointments, either under the Government of India or the Provincial Governments, should in the future be reserved for Indians as such. The Committee can see no objection to the qualifications for certain posts, such as Civil Surgeons, to be of a standard to be decided by Government."

If I may say so, I do not think the last sentence has any very cogent meaning: "The Committee can see no objection to the qualification for certain posts, such as Civil Surgeons, to be of a standard to be decided by Government." I think I see what Sir Cowasji means, but I think it rather wants reshaping. The next suggestion I have to make is that Mr. Chintamani might draft his resolution.

Mr. Chintamani : With pleasure.

Chairman : We ought to try to get some resolution which deals with the point of the Army Reserve. We have obviously got to deal with that point. It may be quite untrue to say that you have got to have 134 British officers to deal with it, but you have obviously got to have a considerable number of reservists whether European or Indian. We must prepare some resolution with regard to that. Then I think we have got to make some statement such as Mr. Chintamani made in his last speech to the effect that as far as possible arrangements should be made to enable Europeans to have the advantage of European doctors if they so desire. I think we ought to put in something of that sort. Indeed, we can really take that from Mr. Chintamani's speech. I can get some resolution on those lines.

Mr. Shiva Rao : I am not so sure that he said that. I think, as far as I could gather, it was not his intention, or the intention of any Indian politician, to take away anything from the existing rights of European members of the Services.

Chairman : I will check it on the notes of his speech: but I paid some little attention to it at the time and I think he said so; but if he did not mean it, we certainly will not hold him to it, of course. I will look that through, and on those lines I think I can get some resolution which I can put to the sub-Committee and indicate how the difference of opinion lies.

Lieut.-Colonel Gidney : Is not that provided in the last two paragraphs of my resolution ?

Chairman : Yes, I think it is, Colonel Gidney. The last paragraphs are : To provide a war reserve of Medical Officers for the Army, it should be a condition of employment in these Provincial Medical Services that members should undergo a military medical training. Arrangements should be made as far as possible for the European members in these Services to be available for the European officers and their families ; but where such arrangements cannot be made, European officers and their families should be allowed to have the services of private European practitioners free of cost.

Now I will tell you what I will do. If I am going to have the benefit of Mr. Chintamani's resolution, with the three resolutions, I will see if before to-morrow morning I can propound some composite resolution which will contain suggestions derived from all three of them, and, if that fails, we can put one or other, or indeed all three of the resolutions.

Sir Provash Chunder Mitter : There is one suggestion I should like to make in preparing the draft : That as regards the Army Reserve an adequate portion of the remuneration should be paid by the Army Department, as defence.

Mr. Basu : There is another point to which I desire to call your attention. Mr. Chintamani pointed out that all civil military officers when entering the service of the State have to enter into a contract in writing. If there is a provision in that contract that when required they will have to serve in war, then there will not be that objection, if it is subject to his being paid such additional remuneration for serving out of the country or serving when the country is in a state of war. After all it is not so much the special training required for a military doctor as the willingness of a man to serve in war that is important ; because more or less in the Medical Colleges in India the military doctors, the assistant surgeons and the Civil Assistant Surgeons, are trained under the same conditions, under the same professors and in the same way. The civil training is probably much higher because the man who wants to practise as a doctor, as a medical practitioner, physician or surgeon, has to undergo six years of training, while the military doctor, who is immediately drafted into the Army after his training as an Army Assistant Surgeon, has to undergo only a four years course in the hospitals and colleges. So that it is not so much the special training that is very requisite ; it is the power of government to require these officers to serve in war that is required. If there is a covenant in every agreement under which a civil medical officer is appointed under the Provincial Governments, that he will have to serve in war if required to do so, then there should be no difficulty in their being taken from civil employ, because for every medical man who is in the service of the State there are at least ten independent practitioners in his locality ; so that immediately he goes to war there will be quite a large number of men to fill the vacancy that he leaves.

Sir Shah Nawaz Bhutto : Sir, I want to point out one thing, that so far as I know all European officers and their families are not provided with a European Civil Surgeon or with the services of a European doctor. It is only so in big centres, as Colonel Gidney suggests. Does he mean that almost every European official will be provided with the services of a European doctor ? That is not the case at all. As far as my Province is concerned it is only so in big important centres. In the whole of the Province only in two districts are there European Civil Surgeons. Of course all the officials are provided with free medical service, but they are not provided with the services of a European Civil Surgeon.

Chairman : I am going to put some resolution on the paper dealing with this matter. This will take some little time more, and then we have got to consider the internal administration of the police. We have also got to consider the head of Central Services. Subject to those three points, we have then done what I call the Committee stage. Then we have got to take our Report stage.

(*The sub-Committee adjourned at* 5.52 *p.m.*)

PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE No. VIII (SERVICES) HELD ON 9TH JANUARY, 1931.

Chairman : We have still two things to do. I have drafted out some kind of composite resolution, but I have not quite got it ready yet. That is with regard to the Medical Service. We might I think first of all deal with one of these other topics. I hope in the course of the morning to be able to put before you the provisional resolution regarding the Medical Services. We have two topics to discuss ; one is the Police ; the other is a recommendation, if any is required, as to Services under the Central Government.

I do not know whether to-day we shall be able to finish both the recommendations as to special Services and the topic as to the Police. If so, I shall be able to circularise you with resolutions so far as we have gone on all the matters, in order that you may have them before the meeting on Monday. Let us take the last subject matter of the agenda, No. 9. It reads as follows : " In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be. 2. Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commission shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, who shall be empowered to issue any necessary instructions to secure the desired result. 3. Members of the Public Services Commissions should hold Office during the pleasure of the Crown, and would be removable by the Governor in the case of a Provincial Commission and by the Governor-General in the case of the Central Commission. They shall after ceasing to be members of a Commission be ineligible for further employment under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible to become a member of the Central Commission, and *vice versa*. 4. The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and recommend that sympathetic consideration should be given to their claims for employment in the Services with which they have for long been specially associated."

" (5) There should be a Statutory declaration that (*a*) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of religion, caste or sex ; (*b*) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services."

Without asking you to give your final approval of that as a policy, which of course is a matter for the report stage after you have had an opportunity of considering this, I may take it that that fairly represents the result of the discussion on the Public Services matter.

At any rate for this rough Committee stage that represents what we decide.

Mr. Zafrullah Khan : With regard to one little matter the meaning may be perfectly clear to us, but I think it might be more clearly expressed, as some doubts may arise subsequently. In the second paragraph the second sentence reads : " This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, who shall be empowered—." Of course what is meant is the Governor in the case of the Provincial Service and the Governor-General in the case of the Central.

Chairman : " Both of whom " would meet it. We will alter that.

Raja Narendra Nath : There is that point about the Provincial Public Service Commission and the Central Public Service Commission being empowered to hear appeals against actions taken by the ministers as a disciplinary matter, that is to say, supersession, dismissal, etc., are mentioned. I want that also to be brought out ; that ought to be made clear. An appeal to the Public Service Commission.

Sir Chimanlal Setalvad : You cannot have an appeal from Government to the Public Service Commission.

Raja Narendra Nath : There is in the case of the Central Public Service Commission. There was a case of an Indian civilian appealing to the Public Service Commission against orders of the Governor.

Chairman : We will consider that, and you will perhaps put down an amendment on the report stage.

Now Mr. Shiva Rao is here. I have suggested that we should depart from our usual order and occupy ourselves for a few minutes in discussing No. 9 : " Recommendations, if any are required, as to Services under the Central Government." You rather suggested this should go in, I think.

Mr. Shiva Rao : Yes, I thought it was an omission ; but I do not know that that is open to any discussion, because I think the position is quite simple, that the Central Services should be recruited by the All-India Public Service Commission.

Sir Cowasji Jehangir : The point, as referred to by all Commissions and the Government of India Report, is as to how the Central Government is going to recruit, whether it is going to carry on the present system of recruitment from the Provinces, or whether it is going to have direct recruitment for its own purposes. That is the main issue. You will find it both in the Simon Commission's Report and in the Government of India's Despatch ; both of them recommend that the present system shall continue, as far as I remember.

Sir Chimanlal Setalvad : It must be left to the new Government of India to determine.

Sir Cowasji Jehangir : That is the issue that I raised on the first occasion ; that is the only point.

Lord Zetland : That is not the only point. There are certain Services which are recruited by the Secretary of State, such as the Indian Political Service and certain other rather special Services. What the Government of India recommend is that with regard to those Services the present practice shall be continued except in one case. The case that they would make an exception to the present practice is that of the superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department. Those specialists are at present recruited by the Secretary of State.

Sir Cowasji Jehangir : From England.

Lord Zetland : Yes. The Government of India consider that it is not necessary that in that case the Secretary of State should continue to recruit. They point out that the British recruits are not likely to exceed, on the average, one in two years, and the number may even be less. They consider that the Government of India, without the assistance of the Secretary of State, will be able to secure the recruits if required. But then there are the other specialised departments : The Indian Political and the Indian Ecclesiastical Establishment, which are at present recruited by the Secretary of State, and which, in the opinion of the Government of India, should continue to be recruited by the Secretary of State. So that there are these specialised departments coming under the head of Central Services, as distinct from the point which was referred to by Sir Cowasji Jehangir, namely, supply of Indian Civil Service Officers for Government of India purposes ; those would be drawn from the Provincial cadre.

Sir Chimanlal Setalvad : Sir, with regard to recruitment to these Services, political and the other which Lord Zetland mentioned, the position of some of us is very clear ; we want all recruitment henceforward to be in the hands of the Government of India ; we do not want the Secretary of State to come in in the recruitment at all.

Sir Chimanlal Setalvad : He may employ any agency he likes for that purpose.

Mr. Basu : As regards the Central Services, the Marquess of Zetland has referred to the Despatch of the Government of India, page 186, in which it is pointed out that the Secretary of State is responsible for the recruitment and control of the Indian Political Department, Indian Ecclesiastical Establishment, and the Superior Telegraph Engineering and Wireless Services. I desire to point out, Sir, that the Indian Political Department consists of officers—

Sir Cowasji Jehangir : Whether there is to be a Political Department or not in the future will depend upon the Report of the Federal sub-Committee. They will go into the question of the recruitment of that Department and will give some indication.

Mr. Basu : If there is to be a Political Department, consisting of Residents and Assistant Residents and Agents, as we have now, it is for this sub-Committee to say how it shall be recruited, and who shall control it.

Chairman : I rather agree with what Sir Cowasji Jehangir has said. It seems to me as far as the Political Department is concerned, it concerns foreign policy and the relations of the States to the Crown. It seems to me that it is really very doubtful whether this is properly within our terms of reference. It is so mixed up with the question as to whether you shall have a continuance of those Departments, that I do not see how you can really discuss this.

Mr. Shiva Rao : The Federal sub-Committee will consider the policy in regard to this Department as distinct from the manning of the Department. Surely the Services part of it can come under the consideration of this sub-Committee.

Sir Cowasji Jehangir : But there may be no such Service.

Mr. Basu : There is another consideration also : If the States are coming into the Federation, then the Services, which will consist of the liaison officers between the Central Federal Government and the States, are a matter which should go to the Federal Government and not be under the control of the Secretary of State. It would be an absurd position of affairs if the recruitment and control of the Political Department, which consists of officers who are stationed in the several Indian States, should be under the Secretary of State. If you, Sir, are of opinion that this is a matter which should be considered by the Federal sub-Committee, namely, the manning of the Political Department and the sources of recruitment and control, then I need not say

anything about it; but my submission to you is that having regard to the fact that the States will be within the Federation, it is almost as much as to say that district officers and agents will practically be in the same position, connecting the Federal Government with the Governments of the different States. Why should they be officers who will not be under the control of and will not be recruited by the Federal Government?

As regards the Ecclesiastical Establishment, I do not know when that establishment will be disestablished; but, if and so long as it continues, the Secretary of State need not come in at all. The Governor-General is there and he can do it. As regards the Telegraph Engineering and Wireless Services, the recommendation of the Government of India is that they should no longer be recruited by the Secretary of State. I agree with Sir Chimanlal Setalvad that recruitment to any of the Services under the Central Government should not be by the Secretary of State but by the Government of India.

Then, as regards the method of appointment, we have already recommended the setting up of a Central Public Service Commission, and, as the Marquess of Zetland has pointed out, the Government of India not only makes direct appointment, but also draws upon the Provincial Services for a large part of its staff; and in future it may have to do so. For instance, there is the Scientific Research Department. It may be that a particular Province may have such a man as the Government of India may think it necessary to appoint, and the Government of India may request the Provincial Government just to transfer that man to the Central Service. Room should be left open for the Government of India to appoint men under the Provincial Governments to the Central Government, and the appointments in the Central Services should not be confined entirely to recruits appointed through the Central Public Service Commission.

Lord Zetland: I do not think Mr. Basu has quite correctly stated the position with regard to the Indian Political Department. As the Chairman has pointed out, this really does involve a question of high policy. As I understand it, the relations between the Crown and the Indian States in the future are not going to be a matter of the Federal Government; it is a matter for the Viceroy to deal with as the representative of the Crown. If that is so, it will be essential I think that the Viceroy, as representing the Crown, should have the necessary officers under him to carry out the functions which he will assign to them in connection with the relations between the Crown and the Indian States. I should doubt, therefore, whether a particular question is within the scope of reference to this sub-Committee. That is a matter for the Chairman to decide, but if it is, I certainly think that our recommendation will have to be that in the case of the Indian Political Department the existing practice must be maintained. There are, however, just one or two other specialised Services which are involved. The Secretary of State also recruits the officers appointed outside India to the Superior Railway Services and he controls the comparatively few officers holding the King's Commission on the active list of the Regular Army and the Royal Indian Marine who are employed in certain Central Services. Then the Government go on to say that they consider that that position should continue as it is at present. Personally, with the exception of the superior posts in the Telegraph and Wireless Department, and possibly, perhaps, the Railway Department, although I do not hold any very strong views one way or the other upon that, I think that the position should be maintained as it is.

Mr. Chintamani: Mr. Chairman, the noble Marquess has just stated that in the Political Department it is the Viceroy who acts, and not the Government of India, the Viceroy acting for the Crown in relation to the Indian States. I do not know whether it has been decided, and when and by whom it has been decided, that the relation of the Indian States is direct with the Crown, and that the Government of India have nothing to do with them except in so far as they are the Agents of the Crown. This is not a subject for us to consider at all. I wanted only to say that it came as a surprise to me, as I infer from the noble Marquess's statement, that a decision might have been taken of which nobody is yet aware.

With regard to the other points, what strikes me is this: you saw the other day, on the question of recruitment and control by the Secretary of State, or by the Government of India, that opinion was equally divided in the Sub-Committee, ten voting on one side and ten on the other. Those of us who voted that the Secretary of State should no longer function in these matters, and that the Government of India should be the sole authority, would naturally take the view on the present occasion that all this should be in the hands of the Government of India, whatever might be the present practice in respect of such Departments, railways included. There is, however, one class of subjects which we gather from the reported discussions of the Federal Structure sub-Committee, will be reserved in the hands of the Governor-General acting in responsibility to the British Parliament and to the Secretary of State, and will not be transferred to the control of the Central Legislature of India. What those subjects will be we do not yet know. The question of recruitment and control of those Services, which will be reserved under the control of the Secretary of State, will stand on a footing different from all those other subjects in respect of which the control will vest in the Indian Legislature. I think, therefore, that our recommendation under this head may well take this form: in respect of all Services, the control of which will be vested in the Central Legislature, the Government of India shall be the sole authority to determine how those Services shall be recruited for. In respect of such Services as may still be controlled by the Secretary of State through the Viceroy we make no recommendation whatever. The Political Department also will come into the latter category, and, therefore, we make no recommendation whatsoever upon this point. I think that this will meet the necessities of the case.

Chairman: I agree. I think that we can do something upon the lines suggested by Mr. Chintamani. I feel exactly as Mr. Chintamani says. Although you may logically say that manning is one subject and functions is another, yet as a matter of good business sense it is quite impossible to consider the one without at the same time considering the other. As some other Committee is going to consider the other, I should suggest, on the lines that Mr. Chintamani has suggested, that I might be able to draft some Report. Subject to your approval, I suggest that we leave this topic now, and that I bring up some Report on the lines that Mr. Chintamani has suggested, and put it before you on the Report stage.

Sir Cowasji Jehangir: There is one important point. I quite agree with all that Mr. Chintamani has said with regard to certain matters, upon which we really cannot decide, not knowing where the control is going to be. The main issue, however, as raised in the Reports is whether the Government of India, for their own purposes, such as for the Secretariat and for other purposes, is going to continue themselves to recruit, or is going to draw from the Provinces. That is the main issue which this Committee will have to consider. I think that it is very clear that the present practice should prevail, that is, that they should continue to draw from the Provinces, if necessary. They must have a certain staff in the Secretariat. They must have their Secretaries. From where are they going to draw those Secretaries?

Dr. Ambedkar: Direct recruitment.

Sir Cowasji Jehangir: There is a difference of opinion immediately. That is exactly the point. The point is whether they should continue to draw from the Provinces such men as they require in their Secretariat, which is a large number. The few appointments made by direct recruitment are specialised appointments, but the large bulk of the men

that they require is at present drawn from the Provinces as they choose.

Sir Chimanlal Setalvad : It should be left to the Government of India to do what they like.

Sir Cowasji Jehangir : That is an issue which has been raised for consideration, and it has been raised in all the Reports. The point is whether the present system should continue, or whether they should recruit direct. It is nothing to do with the question of whether the recruitment should take place by the Secretary of State or by the Government of India. That question is not involved. The question is whether they should recruit for themselves, or whether they should carry on the present system of recruiting from the Provinces. I think, Sir, that the argument is in favour of their continuing to recruit from the Provinces.

Sir Chimanlal Setalvad : Why should not that be left to the Government of India to decide ?

Sir Cowasji Jehangir : Then what is it that we are going to decide ourselves ?

Sir Provash Chunder Mitter : The Constitutional issue only.

Sir Chimanlal Setalvad : It should be left to the Government of India to decide from where they should draw the Services.

Sir Cowasji Jehangir : In that case I think that we might well leave everything to the Government of India to decide. We are here appointed to consider this main issue. It is an issue raised in the Reports. We can very well say : " Leave it to the Government of India." Of course, we can leave everything to the Government of India to decide.

Mr. Shiva Rao : Sir Cowasji Jehangir is mixing up two points, I think. The bulk of the staff of the Imperial Secretariat is even now recruited directly by the Government of India.

Sir Cowasji Jehangir : No, never.

Mr. Shiva Rao : Only a handful of civilian officers who occupy the top places in each Department is selected from the various Provinces. That is the fact.

Sir Cowasji Jehangir : All specialised appointments are recruited direct. There is a number of them. For instance, there are some Collectors of Customs who are drawn from the Indian Civil Service and some are recruited direct.

Mr. Shiva Rao : But that is a Civil Service.

Sir Cowasji Jehangir : Those that are recruited direct are recruited under the present system. Those who are drawn from the I.C.S. are drawn from the Provinces. That is one matter. The higher posts in the Telegraph Service are filled from the I.C.S., and they are drawn from the Provinces. All the Secretariat is drawn from the Provinces. You have a Secretary to Government appointed from Bihar or from the United Provinces, or from Bombay. When he has finished his work, he either goes back to Bombay or he finds another job in the Government of India. That is the position. Therefore the issue is, should they draw those Secretaries and Under-Secretaries, and there is a large number of them, directly ? Should they recruit directly and have a cadre of their own, and promote from that cadre, or should they draw upon the experience of the Provinces ? You very often get a Secretary to a Department in a local Government, and his services are borrowed by the Government of India. He is made the Secretary of the Government in a Department. It is a controversial question, because I know of one Province which has always been most reluctant to give of its best men, while others are most anxious to do so in order that they may gain experience, and they expect to benefit by that experience when those men return to the Provinces. It is an issue, and I think that we must tackle that issue. It is no use saying : " Leave it to the Government of India." That is my humble opinion. It is an issue which is raised, and it is an issue that we have to decide. If we consider that it is beyond us (and I do not think that it is), very well then, leave it to somebody else, but, if it is an issue that we can decide, I think that we should decide it. I have my own opinions upon this issue, and I am sure that there are advantages in borrowing from the Provinces. It helps the Provinces, it helps the Government of India, and personally I do not think that it will be possible for the Government to recruit direct. They will have to have a cadre of their own. They will have to recruit men separately from the Indian Civil Service, of the same calibre, of the same quality, and of the same standard, and they will have to say : " These men are for the Government of India ; those men are for the Provinces." It will not work.

Mr. Basu : I do not understand what Sir Cowasji Jehangir is driving at. Does he mean that a certain percentage of the superior cadre of the Central Services should be recruited by drafts from the Provinces ? I believe that the idea of the Commission was that, say, about 20 per cent. of the superior cadre of the Central Departments should be drawn from the Provinces. I do not know if Sir Cowasji Jehangir has any definite recommendation to make. He has not told us what his recommendation is. I should like to ask what is the recommendation ?

Sir Cowasji Jehangir : I have tried to explain the present system. There are specialised appointments which cannot be obtained from the Provinces, such as the one or two mentioned in the Report. There is actually the Telegraph Service. Up to now they have been recruited by the Secretary of State, and the Government of India want to recruit them themselves. That is actually mentioned in the Report. A suggestion has been made that half of the Customs should be recruited direct by the Government of India, and that half should be drawn from the I.C.S. higher posts. I have also drawn attention to the fact that the whole of the Secretariat of the Government of India comes from the Provinces. It comes from one Province or from another as they may choose. Is that to continue, or is it not to continue ? If it is not to continue, how are those posts to be filled ? Are they to be filled by direct recruitment by the Government of India, and how is the Government of India going directly to recruit ? It is an issue which has been raised, and it is an issue which is known to everybody. I am not raising any new issue. I am only asking for a decision on an issue which has been raised, discussed and considered. I am surprised at these questions. It is an issue which has been raised and discussed on more than one occasion, and it is up to us to decide that issue. I would suggest remaining as we are, and that they must draw from the Provinces. If they do not draw from the Provinces, then again the issue will be raised as to whether it will be under the Government of India or under the Secretary of State. If you leave things as they are, they will be recruited under the Government of India for all the Provinces. When they have got their training in the Provinces, they will pick out such men as they choose, and they will ask for their services for the Secretariat, and for such other purposes as they may require.

Mr. Mody : And the Provinces might decline.

Sir Cowasji Jehangir : They cannot decline to lend the Government of India a Secretary. What happens is, that the Government of India writes and says : " We want Mr. So-and-So to come up to the Government of India." Sometimes the Provincial Government says that it cannot spare him for a few months, but generally they have got to spare him. He goes to the Government of India and he serves there. If you do not have that system the alternative is direct recruitment, and those men will be cut away from the Provinces altogether. They will have no experience of the Provinces. They will know nothing about the Provinces, and if any Provincial subject is

discussed in the Federal Government they will be absolutely at sea. The idea is to draw men from all Provinces so that there is a man available in the Secretariat who knows something about his Province and who will be able to have personal experience on the spot. That is the position.

Lord Zetland : Mr. Chairman, I am entirely in agreement with what Sir Cowasji Jehangir has said. The Government of India draw from the Indian Civil Service, which, after all, is known as an All-India Service, the administrative officers that they require. It is a great advantage, as Sir Cowasji Jehangir pointed out, that they should be able to draw men who have had actual personal experience of administration in the Provinces. When you are appointing a man to the Secretariat, you do want him to know something of the practical administration of the country. By far the best way of securing a man of that kind is to take a man from one or other of the Provinces, who has been doing the actual work of administration. I should like to point out that the mere fact that the Indian Civil Service is known as an All-India Service surely involves this position, that not only the Provinces, but the Government of India, should draw upon it for their secretarial and administrative staff. I should like to make a further point. Supposing that in future the Government of India were to have no call upon the Indian Civil Service, in spite of the fact that it is an All-India Service, they would have to form a new cadre of their own, consisting of men recruited in the same way, of the same type, and with the same qualifications, as the existing members of the Indian Civil Service. To do that would be extremely uneconomical. They would have to provide for a comparatively small cadre of officers, a special reserve, in order to arrange for the ordinary leave allowed to officers of all Services. If you allow them to continue to draw upon the Indian Civil Service, the leave reserve for that Service is already in existence. Of course, the larger the Service, the more economical is the leave reserve and other similar questions. Therefore, I think that it would be quite desirable on the part of this Committee to say that, apart from the specialised appointments under the Government of India, the Government of India will continue to draw their secretarial and administrative officers from the ranks of the Indian Civil Service.

Sir Provash Chunder Mitter : The 9th point must be taken independently of our terms of reference, namely, we are to advise only on such matters as arise in the constitutional issue. At the present moment, it is perfectly true, and personally I think that it is a good system, that the Government of India is entitled to draw upon the Provinces for a certain class of officers, but when the future Government of India will be constituted, as regards the actual details of the decision, we must leave it to that Government, but the constitutional issue does arise only to this extent, that, if the future Government of India wants to draw from the Provinces, the Provinces to-day cannot say "No," because they are under the Government of India. The Provinces in future may say "No," and all that we are called upon to say is that if the Government of India desire to draw from the Provinces, they will be entitled to do so. Beyond that we are not going to run the Government from this Conference. We should say that only, but, as the merits have been discussed, I agree that the Government of India should have that liberty as regards the I.C.S. in the general administration. As regards specialised services it may or may not be better that the Government of India should have its own cadre, but that is a matter for the future Government.

Chairman : I think, gentlemen, that I can draft a resolution now that I see how this matter stands. I think that I can probably draft a resolution. I shall found the first part on Mr. Chintamani. I shall put in some reference to this. This seems to me to be only an administrative matter. At the present time, there are both systems. There is the system of drawing on the men who serve the Provinces, and there is also direct recruitment. Of course, it is a matter for the Government of India to consider, but I take it that both systems will be available to them in the future as in the past.

Mr. Mody : While I agree with Mr. Chintamani that in Departments which are not under the control of the Legislature, the method of recruitment must be left in the hands of the authorities to control those Departments, I think that a recommendation, if you will permit it, might be made that, for instance, with regard to the Political Department, some sort of Indianisation should take place. I am not suggesting it in any racial spirit, but entirely because it is a good thing that some opportunities for training in those Departments which will some day come to India must be afforded to the people of the country. The Political Department has been more or less a close preserve all these years; there may have been reasons for it, but during the transition period during which this Department will remain under the control of the Viceroy, I think it will be an excellent thing if a recommendation were made from this Conference that Indianisation should be applied to that Department.

Chairman : I think we shall be in great difficulty if we attempt that with regard to the Political Department until we know the relation of the Services to the new political structure. The Viceroy is under the new political structure, and unless and until we know the exact functions of the political Officers, how far they represent the States and what the relationship between the States and the Crown will be, we shall be skating on the thinnest of ice if we attempt to make any recommendation about it at all. If we say it is so bound up with the whole Federal question that we have not thought it possible to make a recommendation I think that would be better. But I will bear in mind what you say and see whether I can draft a resolution which will satisfy you all.

Mr. Zafrullah Khan : I would suggest that we take into consideration that which is put forward in paragraph 315 of Vol. 1 of the Statutory Commission where the points have been extremely well put with regard to this matter.

Major Stanley : Would not the appropriate place be where to deal with the recruitment of the All-India Services—in the Services recruited on an all-India basis the Central Government should retain this ?

Chairman : I think I can do something on those lines. I have my resolution with regard to the Medical Services. Perhaps I might read it through to you now in order to get a kind of provisional, but in no way binding, approval. As I told you it would be, it is a composite resolution. I must express my indebtedness to, amongst others, Mr. Chintamani, Colonel Gidney, and Major Stanley who have helped to produce this composite resolution. It is as follows—

> "The sub-Committee are of opinion that in future there should be no Civil branch of the Indian Medical Service, and that no civil appointments, either under the Covernment of India or the Provincial Governments, should in future be listed as being reserved for Europeans as such. The Government of India and Provincial Governments should organise civil Medical Services recruited through the Central and Provincial Public Service Commissions. In doing so they should, in order to provide a war reserve, insert a clause in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge. Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and of the British population of India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services and should be prepared to pay such salaries as should bring about this result".

Down to that I have incorporated one passage suggested by a member of the sub-Committee.

> "Where arrangements cannot be made for European members of the Medical Service to be available for European Officers and their families these should be allowed to have the services of private medical practitioners free of cost".

Then I want to add this:

> "It is suggested that agreeement might be reached between the central Government and the Provincial Governments whereby the Provincial Governments would reserve a certain proportion of posts in the Provincial Medical Services for members of the I.M.S. who have performed a period of military service. This would of course involve the retirement of such officers from the I.M.S., subject to a claim on their services in times of emergency".

That would be of course a matter of agreement between the Central Government and the Provincial Governments.

Mr. Mody : Would you explain this last point ?

Chairman : The difficulty is to get men to go into the I.M.S. if they have no prospects beyond leading the life of medical officers. You want to see that they have some prospects thereafter, if you want the best men. We want to see how far we can meet that desire. This is a suggestion that it might be worked by agreement between the Central Government and the Provincial Governments. I will read the words again : "It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments would reserve a certain proportion of posts in the Provincial Medical Services for members of the I.M.S. who have performed a period of military service. This would of course involve the retirement of such officers from the I.M.S., subject to a claim on their services in times of emergency".

Mr. Shiva Rao : What is the idea of incorporating the retirement of these Officers from the I.M..S ? I do not think that would be very attractive, because once they lose their position of employment with the Government of India they cannot regain it, and I cannot see how the military can have a claim on them when they retire from the I.M.S. if they become Indian Medical officers. The other remark I desire to make is that if you desire to have an efficient Provincial Medical Service the first thing that is necessary before all else is a reorganisation of that Service. At present it will not attract good men ; and I say, speaking with personal experience, that if you desire to provide a certain quantity of British Officers you will not get them in the Provincial Medical Service as at present organised.

Chairman : I have no doubt that that last point is right, but we are not a sub-Committee charged with reorganisation ; and who am I that I should express an opinion on a reorganisation of the Medical Services about which I know absolutely nothing either in this country or in India ? Obviously reorganisation must be a matter which the new Government of India will take in hand as one of its very first tasks. But surely there is a fallacy with regard to your first point. After a man has served in the I.M.S. which is going to be in future a purely Military Service, he will after serving his time there be, as it were, for so many years on the reserve ; that is to say, he will take on his civil practice, but he will be under an obligation to come up and rejoin the Colours if an emergency arises, although at the same time he has retired from the ordinary work of the I.M.S.

Lieut.-Colonel Gidney : The present method is that both for the R.A.M.C. and the I.M.S. they are recruited now with the option of retiring at the end of five years or twelve years with a bonus and they are placed on the Reserve List. The same Officers in the I.M.S. temporary service are placed on a reserve list and they are liable to service ; but there is no such rule that if an I.M.S. Officer retired from the I.M.S. after five years he is bound to be put on that Reserve list. I do not see how the Military can have a claim upon him once he retires from the I.M.S. except it be that it is a temporary service only.

Major Stanley : Of course, if he retires entirely from the I.M.S. and goes back to England, say, or goes into purely civil practice on his own, the Military have no claim. But the claim is part of the consideration for this particular post under the Provincial Medical Service being offered to him. If he does not want it he can retire from the I.M.S. altogether. If instead of retiring altogether he accepts service under the Provincial Government, he accepts it under this liability to serve. It does not matter what happens now, but it is quite capable of being done in the future.

Lieut.-Colonel Gidney : Will you consider this point —do not include that he should retire from the I.M.S.

Major Stanley : I only included that with regard to making it quite clear that he came under the entire control of the Provincial Medical Service.

Mr. Mody : Is there much point about the word "retirement" ? It may be that he may be drafted into the Provincial Medical Service for two or three years, and then want to go back to the Army. What is done in those cases is that his services are lent, and he ultimately gets back into the Army.

Therefore I think the use of the word "retirement" is unfortunate.

Chairman : Would you like to use the word "seconded" ?

Lieut.-Colonel Gidney : That is better.

Mr. Basu : If he does not retire he is under the control of the Army Administration, and it is only retirement which will relieve him of that position.

Chairman : Major Stanley does not want the man to be trying at one and the same time to be serving two masters. So long as he is in the Provincial Medical Service he must be in the Provincial Medical Service. If he is called up in an emergency then his master ceases to be the Provincial Government. It is largely a matter of words ; but I will see whether I can put it right.

Sir Cowasji Jehangir : I want to follow the last provision which appears to me to be somewhat inconsistent with the beginning. We are taking the whole principle now as suggested by Mr. Chintamani, and this last paragraph appears to be inconsistent. I am merely asking for information. This is where my confusion is, that at present the I.M.S. is recruited and the reserve officers are lent to the different Provinces ; now a new system is being introduced, and a very big, radical change is being made by the many suggestions that all those Services should be provincial including these army reservists—the basis of recruitment shall be Provincial ; the training will be in the Provinces, the military training such as is required, and therefore this reserve will be furnished in this way, consequently we get away from the idea of recruiting the number that is at present being recruited for the I.M.S. and the recruitment for the I.M.S. will be considerably reduced.

I want to know firstly where these men are coming from that I understand Major Stanley suggested. Secondly, why is it necessary ? This is a new system. There will not be the men to spare. You are dividing the military and the civil completely now. You are providing for the reserve by a new machinery. I am not quite clear in my own mind as to whether the second part is not quite inconsistent with the principle enunciated, and I would like a little time to think over this. I quite understand that if recruitment is to take place on the military side, or to a larger extent than their actual requirements call for, you will have to find a place for them ; but that was not intended by the original suggestion of Mr. Chintamani. If it is only meant that this should be a temptation, an attraction, for a better class of man to come into

the I.M.S. so that they can get civil appointments, then that goes to the root of the principle enunciated by Mr. Chintamani. I should like that matter considered again; because after all, we must have the one principle or the other. In the first place we enunciate a new principle, but in the end we go back to the old principle.

Chairman: There are two principles. First of all the old draft before amendment, which contained these two things; (1) that no civil appointments in future be listed as being reserved for Europeans. At the same time Mr. Chintamani's draft contained this, that steps be taken to recruit a fair and adequate number of European doctors.

Sir Cowasji Jehangir: In the Provinces.

Chairman: Yes. Now, as I understand it, Major Stanley's suggestion is this: What you are to do is to recruit a fair and adequate number of European doctors, and you are to remember, so far as you can, that in doing that you should pay special regard to the claims of those European doctors who have done their service in the I.M.S.

Sir Cowasji Jehangir: That is not what is written there, so far as I have understood it. There will be two classes of recruitment, one for the military, and the other provincial, and in the provincial there shall be a reserve for the Army. So far as I have understood what you have read out, it is that from the Army block a certain number should be provided for in the Provinces—that is to say, that the Army block will recruit more than its actual requirements and have a reserve, and that reserve will have to be provided for in the Provinces. That is what appears to be intended, but it is inconsistent.

Major Stanley: I do not see the inconsistency. You have to remember that the Provinces cannot dissociate themselves from the Central Government; they have just as much interest—the Central Government—as have the Provincial Governments in an efficient military service, and there is nothing inconsistent that the Provinces and the Central Government should agree together to take steps to increase that efficiency. Nor is there anything inconsistent in the practice, which obtains in this country, of saying you will reserve a certain number of posts in your own particular Service for people who have completed a period of service elsewhere.

Sir Cowasji Jehangir: But that is the old principle again.

Mr. Chintamani: I myself see no great inconsistency, for this reason. We have said that the Provincial Governments shall recruit a certain number of Europeans to meet the requirements of the Army and the civil population. A doubt has been expressed in view of the suggestions of the Secretary of State about recruiting Europeans in view of the increasing difficulty that has been experienced in getting them, and it has been thought doubtful whether the Provincial Governments will be really able to fulfil this requirement and secure the number of Europeans necessary. From that point of view it will be an undoubted advantage to get those Europeans from the Army if the Army can spare them, provided the terms on which their services are to be got are agreed upon between the two authorities concerned. To that extent you do not infringe on the liberty of the Provincial Governments, you only give them liberty to draft from an area which otherwise might be considered closed to them. Incidentally, it has been said that Army medical officers who do not have a full days work when there is no war going on do not like to let their knowledge rust and would like to be in practice and to keep abreast of their subject. It will be to their advantage to be employed as is suggested here. There, too, I see no difficulty, but I rather dislike these words "reserve a certain proportion of posts". Further than that, I say that the Provincial Governments should be free to appoint temporarily or substantively the ordinary medical officers to that number of posts in their respective areas; they would only do so when they experience a difficulty in obtaining from the open market the number of men and the quality of men whom they and the Army both require. When their services are taken temporarily it should be provided that during the period of service the control over those services passes from the Army to the Provincial Government which obtains a loan of their services. I think at present whenever there is a loan of an officer from one authority to another, the borrowing authority inherits from the lending authority all rights of control over the officer on deputation. Where, however, an officer is taken over substantively, without any liability to undertake military service, except to help in the event of an emergency, the Army exercises its right of calling upon him. In that case there might be retirement from service so as to make the position quite clear. If Major Stanley agrees to change his phrase "reserve a certain proportion" to "the freedom to the Provincial Government to appoint by agreement with the Central authority", I think I should have no objection to it.

Major Stanley: Of course the difficulty I have about that is that unless the Provinces can enter into a fairly long term of agreement with the Central Government, it defeats one half of the object of the scheme. I agree that that satisfies the recruitment of the European element, but unless they can plan a programme for a considerable time ahead—by agreement, of course—it does not offer the inducement for recruitment of the Indian Medical Service, which is the other branch.

Sir Edgar Wood: It does not meet the Reserve either.

Mr. Chintamani: There are two points. In the first place, I must not be taken to mean by recruiting for the Indian Medical Service that that recruitment should be made in the certainty that a certain number of officers will be required by Provincial Governments. That would defeat the purposes of the remainder of the resolution with regard to the provision of a Civil Medical Service.

In the second place, it would be a matter entirely for arrangement between the two authorities as to what the duration of the deputation is to be. It would be open to the Military to say to a Local Government which applies for the services of one or more officers that unless that loan is required for a certain number of years the officer or officers will not be lent. That will be a matter of arrangement between them, and this draft resolution starts with the suggestion that an agreement should be made. It will be part of the agreement, and surely the lending authority would refuse to lend the services of an officer for a short time if that would dislocate their arrangements. That I think may be assumed, that the duration of deputation, where the loan is temporary, will be such that both authorities can agree to it and not merely one authority.

Chairman: I think it must be observed that all that is being sought to be done here is to suggest that agreements might be reached. It is not sought to fetter in any way the control either of the Central authority, the Army authority, or of the Provincial authority, or of the doctor. You have got to have all parties consenting to this agreement. Then we merely record what is of course perfectly obvious, that they may make these agreements; we point out that it might be a convenient course for them to follow; that is all.

Mr. Chintamani: What I am considering is the word: reserve a certain proportion. That will lead to difficulties from which we have suffered so long.

Lord Zetland: I can see Mr. Chintamani's point; but surely there would be another difficulty. Unless you give the Army authorities a pretty accurate idea of the number of their retired officers who would be absorbed by the Provinces, unless you do that, the Army authorities will not know how many men to

recruit to the Indian Medical Service. If they are told: Next year the Provinces will be prepared to take half a dozen men; and say a year after that they are told: The Provinces will be prepared to take 20 men; and in a third year they are told: No, the Provinces will take no men—they will never know how many men to recruit to the Indian Medical Service. That is the practical difficulty that occurs to me. There was one other point on which I would like to ask a question for information. In your resolution, Mr. Chairman, it is laid down, I think, that the Provinces should recruit a fair and adequate number of Europeans. I am not quite sure who will be the authority who will decide what is a fair and adequate number.

Mr. Chintamani: The Provincial Government. With regard to the noble Marquess's statement as to the difficulty the Army will experience in knowing how many additional officers it has to get in order to meet the requisitions of Provincial Governments, that surely will be settled between the Provincial Government concerned and the Army in good time to enable the Army to recruit those officers. The Army can notify the Provincial Governments: You have the power to get from us a certain number of officers; please let us know, not later than such and such a time, how many officers you will require, and on what terms. And they will only get them according to the arrangements so made at the time.

Sir Cowasji Jehangir: I think there is a little difference of opinion there which must be decided. What Major Stanley is trying to do is to provide an attraction for recruitment to the Civil side of the Medical Department, the attraction of Civil appointment. What Mr. Chintamani has very legitimately tried to do is to make his own proposal a practical one; that is to say, if recruitment in the Provinces of Europeans is not made possible, he wants the Provincial Governments to have the privilege of asking the Military Department to let them have a certain number of officers. That I think is a very reasonable thing; it makes his proposal much more logical and answers any objections that may be raised that Provincial Governments may not be able to recruit European officers. If they are not, then he wants the privilege to be given to the Provincial Government to apply in good time to the Military Department to lend so many officers. What Major Stanley is really aiming at, which is also perfectly legitimate, is to give an added attraction to the recruitment for the military branch. Civil appointments are a great attraction.

Major Stanley: I have had both objects in view. As a matter of fact, I first drafted it to meet the point in Mr. Chintamani's resolution. It did strike me that at the same time it would meet another objection which has been raised against the abolition of the Civil Branch, that is, that it would discourage recruitment to the I.M.S. I cannot see that the two things are inconsistent. It seems to me that the same proposal could cover both. As Lord Zetland points out, unless the I.M.S., the Central Government, know how many men are likely year by year to be taken off from the top, they do not know how many new men to bring in at the bottom. I was only suggesting that if the agreement is to be effective it must be a long term agreement.

Sir Cowasji Jehangir: It will be of a long term character, and ample notice will be given, say a notice of a year and a half or two years.

Mr. Zafrullah Khan: So far as I recollect these two points, which are really one, have been separately expressed: that the Provincial Governments shall recruit a fair number of Europeans to the Provincial Services, and also, at the end, that they shall reserve a certain number of posts for members of the I.M.S., who, after having served a number of years, might be willing to take up civil appointments. I think it would bring the discussion and the points of view nearer together if both these proposals were expressed together in consecutive order, so to make it appear that there are not two separate obligations upon the Provincial Governments; that is to say, that apart from recruiting a fair or adequate number of European gentlemen into the Provincial Medical Services, they are in addition required to reserve a certain number of posts for members of the I.M.S. I think we might express it in this way: that they shall recruit a fair and adequate number of Europeans, and one method by which this may be secured is by means of agreement with the Army to take over members of the I.M.S. under those conditions. I think that might meet the difficulty.

Lieut.-Colonel Gidney: Sir, there are two points here. One is to provide an adequate number of European Medical officers for the needs of the British families. The second point to settle is to make the I.M.S. attractive. Can these two points be achieved by the addition of these words to the resolution: "To provide for the Medical needs of European Officers and their families in the Provinces, Provincial Governments can obtain such medical officers from the I.M.S. on terms agreed upon between the Governments." These are the two points. You want to supply British Officers and families with European Medical men. That is a claim you cannot deny.

Chairman: I have tried to put this in the form of a resolution. May I read to you what I have tried to put down. I do not want to bind anybody to it, including myself. Would this sort of thing do? This is a mere matter of agreement; we are merely suggesting agreement; that is all. This is what I have put down: "It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments in selecting their European doctors might grant a preference to those members of the I.M.S. who have performed their term of service with the I.M.S. This could be arranged on terms which would enable the services of these doctors to be utilised for Army purposes in time of war and facilitate the task of the Provincial Government in obtaining suitable entrants".

Mr. Shiva Rao: Sir, need we take into account here the requirements of the Army?

Chairman: My resolution says nothing about it.

Sir Cowasji Jehangir: That is the entire principle.

Mr. Chintamani: Yes, I think it is best that we should do so, because the stumbling block in the way of the reform of the Medical Services for which we have been asking for two generations has been that the requirements of the Army are such that our proposal cannot be carried into effect; and, as we shall be interested as much as anyone else in the Army having proper medical assistance, and, at the same time that there should be a proper organisation of the Civil Medical Services, it will facilitate our task if we show we are not blind to the requirements of the Army and that we are making proposals which are compatible both with the requirements of the Army and the requirements of the civil population. I think it will be to our advantage to show that recognition. That is why I have taken note of it. In this draft which the Chairman has read to us two points have to be noted. The first is the granting of preference to those members of the I.M.S. who have performed their term of service with the I.M.S. At first sight it would appear to be rather objectionable, but it should be read along with the other part of the resolution: that it is only in selecting their European doctors that this preference is suggested. In the earlier part of the resolution we have suggested that Provincial Governments should bear in mind the requirements of the Army and of the European population, and therefore should take care to appoint a sufficient number of qualified European doctors also. That being so, the suggestion that in appointing a small number of European doctors preference should be given to men who have finished their service in the I.M.S., does not really adversely affect Indian interests. Therefore the objection which at first

sight would appear to arise out of the word "preference" really disappears. From that point of view I think I have no objection at all to the Chairman's draft.

There is one more point. In the earlier resolution the paragraph relating to European doctors ends with this sentence: "Where arrangements cannot be made for European members of the medical services to be available for European officers and their families, these should be allowed to have the service of private European practitioners free of cost". "free of cost" means at the cost of the taxpayer. I cannot possibly assent to this. This is a novel proposition which came up for the first time as a result of one or other of recent Public Services Commissions. It is comparatively recently that we in India have begun to hear of the invincible reluctance of Europeans to be treated by any but European doctors. If Europeans go to India as the servants of the Government of India, in receipt of salaries from the taxpayer of India, then they should put up with such conditions as are available in that country. They cannot expect the people of that country to undertake the responsibility of finding for them doctors of their own nationality and race at their expense. This is an obligation which as an Indian taxpayer I have never accepted and which I repudiate. It is one thing to say that we should consult the convenience and the requirements of those people as far as you can do consistently with general public interests. That recognition we have shown in the first part of this resolution in asking the Provincial Governments also to appoint a number of European doctors; but to go further and invite us to accept the proposition that we shall pay for any European doctors whom they may get, is to go altogether beyond any legitimate demand that can be made of any taxpayer. To this sentence, therefore, I object.

Lieut.-Colonel Gidney: I have only one remark to make here, Sir. In the addition you have just made, there is one word which I will ask you to omit. Where it speaks of "retired I.M.S. officers", I would omit the word "retired". Why should we specify that we should allow a retired I.M.S. officer to come in to supply the European needs of the Provinces? Exclude the word "retired" and let the I.M.S. officer be selected so as to fulfil your needs for European families. The word "retired" indicates an old man, and possibly a senior Colonel who will be drawing Rs. 2,500.

Chairman: I have not used the word "retired" here. What about this point of Mr. Chintamani? I put in this last sentence from your draft.

Sir Robert Hamilton: May I suggest that is rather outside what we are asked to do, to make a suggestion of that sort. We are only considering the Services.

Chairman: Yes, I think Sir Robert Hamilton is right there. We are considering the Services. This is really an administrative matter and I do not think it is within our terms of reference. I think Mr. Chintamani's point had better be conceded by striking out the last sentence, on the ground that it is not strictly within our terms of reference.

Mr. Shiva Rao: Does not Mr. Chintamani's objection also apply to the latter part of the previous sentence?

Chairman: I do not think so, because that is Mr. Chintamani's own draft.

Mr. Shiva Rao: "Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British population of India and take steps to recruit a fair and adequate number of European doctors to their respective civil medical services." I am against the introduction of any racial discrimination in this matter; I think it is entirely inconsistent with the spirit of the times.

Mr. Basu: Sir, in any event the expression, "The British population of India," should be omitted, because so far as the British non-official population in India is concerned, they look after their own medical needs. In the interior, for instance, in the tea districts in Assam they have their own medical men, and so also in other planting districts. The taxpayer will not be concerned with people who go out trading, exploiting or mining. What is meant is the official British population.

Chairman: I quite agree. I think it should not be "population," but "officials." It should be "official British population," or "British officials." Now I have enough to consider this on the report stage. We have one other topic to consider; that is the internal administration of the Police. In the course of our general discussions a good many questions were asked of Lord Zetland as to what exactly the point was. I do not know whether it would be convenient to him to open our discussions and enlighten us on the points. So far as I at any rate, am concerned I have a completely open mind, and I am afraid a completely uninformed mind; so that I would like the point put to me in order that I may follow them.

Lord Zetland: I think I can put the point that I raised on the Provincial sub-Committee quite shortly. In the first place, I think it very desirable that the control which is now vested in the Inspectors-General of Police by the Police Act, of 1861, should be retained, and I think it is desirable that this sub-Committee should make a definite recommendation to that effect. I think that it might also be desirable to go a little further than that, and to put the Inspectors-General of Police as far as possible on the same footing as the Executive Officers in control of the police in this country, that is to say, the Commissioner of the Metropolitan Police in London, and the Chief Constables in the Counties. In the Counties the Chief Constables have practically complete control over the internal economy of the Police Force. They appoint, they promote, they dismiss. It is laid down that those powers are within their competence. In the Counties the Chief Constables are responsible to bodies known as Standing Joint Committees. The Standing Joint Committee is a body which is formed partly of members of the County Councils and partly of Justices of the Peace. That is the authority to which the Chief Constables are responsible for the proper discharge of their functions. As I have said, so far as the internal economy of the Police Force is concerned the Chief Constable has practically independent control.

Mr. Chintamani: What are the functions of the Standing Joint Committees?

Lord Zetland: General supervision.

Sir Provash Chunder Mitter: Are they statutory?

Lord Zetland: Yes.

Mr. Chintamani: Would you have the same control by District and Municipals Board in India?

Lord Zetland: No, I do not think so. I would agree, of course, that the Inspector-General of Police must be responsible to the Provincial Government. The position of the Commissioner of the Metropolitan Police here is very similar to that of a Chief Constable, so far as his control over his Force is concerned. He has the same powers of appointment, promotion, and dismissal, and he is responsible generally for the discipline of the Force. The Secretary of State has the power to make Rules for the general discharge of these different functions, but the Secretary of State consults a body which is known as the Police Council, and the Police Council is a body which consists of representatives of the Police administration, and particularly of a body known as the Police Federation, which consists almost exclusively of Police Officers. When the Secretary of State proposes to make a Rule for the proper discharge of the functions of the different Police authorities he lays that Rule before the Police Council before he gives effect to it, and the Police Council then have the opportunity of making any observations with regard to it that they may

desire. In other words, the Secretary of State takes them into his confidence, and consults them on the matter. The general result of that is to keep the actual administration of the Police Force apart from all political considerations. Of course the Home Secretary is responsible for answering questions in Parliament with regard to the Police Force and Police administration, but in effect he really devolves his ultimate powers in the matter of the actual control of the Police Force to these various Police Officers under him. I think that it is a matter for consideration whether some such system as that might not be possible in India. I think that everybody agrees that it is very desirable that you should keep the Police Force, so far as possible, outside political influences. It is a semi-military force. It has to discharge a number of important duties, and in the actual discharge of those duties it is responsible to the head of the Force, namely, the Inspector-General.

There is just one other suggestion which has been made to me with regard to cases in which members of the Police Force may be attacked on the ground that they have behaved without impartiality in the case of communal disputes. As we all of us know who have had experience of administration in India, there is always a considerable prospect when a communal feeling runs high, and communal troubles occur, in which the Police Force have to intervene, that a Police Officer belonging to one community will be believed to have acted partially by the general public of the other community. Attacks are frequently made, both in the press and in the Legislative Councils, upon individual Police Officers in cases of that kind. It has been suggested to me (and I do not offer any very definite opinion myself upon this point because I really do not quite know how it would work) that Courts-martial, or Disciplinary Boards, formed of senior Police Officers, might be set up in order to prevent the victimisation of officers and men on communal political issues. That is a suggestion which certainly, I think, might be adopted.

Mr. Tambe : By the members of the public, or by the officers ?

Lord Zetland : Of course the Board would be set up by the Inspector-General himself. That is a suggestion which I put forward.

Mr. Tambe : In respect of accusation by members of the public ?

Lord Zetland : Yes.

Mr. Tambe : The members of the public would be the accusers, and the Police would be tried by Courts-martial ?

Lord Zetland : No ; I am not suggesting that the members of the public who made accusations against the police should be brought before a Court-martial. That is not my suggestion. The suggestion is only that, when public indignation is expressed through the press, or through the Legislative Councils, at the action of a particular police officer, say, in suppressing a communal riot, or anything of that kind, then the Inspector-General should have the right to set up a Court-martial, consisting of senior police officers to investigate the case. That is the only point.

Sir Chimanlal Setalvad : That is to say, that the local Government or the Minister should not appear in this investigation but it should be done by this body ?

Lord Zetland : Yes.

Sir Chimanlal Setalvad : You want to exclude the power of the Minister and of the local Government to investigate those charges ; that is the effect of it ?

Lord Zetland : Yes, in those particular cases.

Sir Chimanlal Setalvad : You would withdraw the jurisdiction of the Minister and of the local Government to investigate that matter ?

Lord Zetland : No. You cannot withdraw the jurisdiction of the local Government, because the local Government admittedly must be supreme over its officers, but it could be laid down that that should be the practice which it is desirable to pursue. That, sir, I think covers what I want to put before the sub-Committee. The main point is to secure that the powers now vested in the Inspectors-General by the Police Act of 1861 should be retained, and I put forward various other suggestions, such as the formation of a Police Council in a Province for the consideration of the sub-Committee.

Dr. Ambedkar : I want to ask one question for information, if you will permit me to do so. Does the noble Marquess desire that the position of the Inspectors General should be recognised by statute, or does he want the position as it now is under the Police Act to be maintained ? Does he want them to be recognised by statute as officers having certain statutory rights and obligations ?

Lord Zetland : Yes.

Sir Provash Chunder Mitter : By Parliamentary statute ?

Lord Zetland : That is right. The Inspector-General now has these powers by statute, namely the Police Act.

Dr. Ambedkar : That is a different thing to the, Police Act, which of course would be subject to amendment by the local Legislature. The question is whether you want the position of the Inspector-General to be recognised as that of an officer performing certain duties, and as an officer not liable to interference by the Minister or by the local Government ?

Lord Zetland : That is the effect of it. That is my proposal. I think that the powers which are now vested in the Inspectors-General should be retained.

Sir Cowasji Jehangir : By what authority—by the Police Act, or by the Government of India Act ?

Sir Chimanlal Setalvad : It should be beyond the vote of the local Legislature or of any Legislature to alter the provisions of the Police Act.

Lord Zetland : Yes. I think that it should be the Act of the Federal Government.

Mr. Zafrullah Khan : That can be done by placing the Police Act in the list as one of the Acts which cannot be repealed, altered, or modified, by a Provincial Government without the consent of the Governor-General.

Dr. Ambedkar : That would be the position to-day, because the Act cannot be amended without the previous sanction of the Central Government.

Mr. Zafrullah Khan : If it is not included, let it be included.

Lord Zetland : Should the sub-Committee recommend that it should be included in that Schedule ?

Sir Cowasji Jehangir : It will be included.

H. H. The Maharaja of Alwar : Mr. Chairman, I do not exactly know what business I have to be on this sub-Committee, because I am not of the Services or in the Services. I found my name incidentally in the list, which was a compliment to me, but I feel myself not directly connected with the Services because they relate essentially to British India, but, if my colleagues desire to have my opinion, whatever it may be worth, on the various items of the Agenda, I will finish in less than five minutes.

First of all, regarding the question of safeguarding the position of existing members of the Services, my answer is: "Certainly." With regard to the question of re-assuring existing members of the Services with a view to securing that they will serve for their normal term, my answer, in Parliamentary language, is in the affirmative.

The next question is: " Should Recruitment on an all-India basis continue for any of the following Services: (*a*) Indian Civil Service; (*b*) Indian Police Service; (*c*) Indian Forest Service; (*d*) Irrigation Branch of the Indian Service of Engineers." That is a question upon which again British Indians are best able to decide, but my own answer is again in the affirmative. It is only with regard to the Political Department that I and my Order are principally concerned. Upon that subject I shall be speaking in the Conference, or in the Committee of the Conference, when it assembles, in conjunction with my other colleagues who will be there.

With regard to the question whether it is desirable to secure an element of European recruitment, my answer again is in the affirmative.

With regard to the question whether any such recruitment should be done by fixed ratio, e.g., the Lee ratio for each Service, my answer in Parliamentary language, is in the negative, because the Lee ratio, I understand, implies recruitment calculated to secure an equal number of Indians and Europeans in the Indian Civil Service by 1939, and in the Police by 1949. I hope that another system will be devised which will expedite the Indianisation of these Services.

With regard to (4): " Who should be the recruiting authority for the recruitment of all-India Services under the new constitution," my answer is, " The Government of India."

With regard to (5): " Recommendations concerning the Civil Branch of the Indian Medical Service," I believe that that is a very essential Service which is required to be created in India. It should be a special Service, suitable to Indian needs, with British and Indians, but mainly Indians, in the Service, but that will have to depend on the number of recruits that you can find ready to join that Service.

With regard to (6): " The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees," my answer is, " Yes."

With regard to (7): " Recommendations in relation to a Public Service Commission," that is a question essentially for British India to decide, and it is not for me to express any opinion upon that subject.

With regard to (8): " The internal administration of the Police," my answer is that that subject is closely linked with law and order, and where that goes in the Centre or in the Provinces, there should the Police also be concerned.

Chairman: I am very much obliged to His Highness for giving us, in such a short space of time, the review of the whole of the problem that we have to consider. We have rather missed him here, but he has told us now what his views would be.

H.H. The Maharaja of Alwar: I should like to apologise for my absence from this Committee on many occasions, but the Committee work has been overlapping. Therefore I have been in another Committee, and I have had to keep one leg in one place and the other leg in the other.

Chairman: I have often had to try to do the same thing in the Courts.

Sir Edgar Wood: I have spoken on this subject already so I propose to be very brief indeed. I think Dr. Ambedkar has solved the problem of how to continue for a certainty the existing Police Act, which is all I have been really endeavouring to do in what I have suggested before. I quite appreciate that it is wrong to try and tie the Legislature so that it cannot repeal an Act. It is an impossible situation. All I have been trying to do is to secure that for the present the conditions under which the Police are working shall be the same. They want them, and if they get that I do not think there need be any anxiety about what the Police are going to do in the near future. That near future is going to be a very anxious time, and I do feel that it is up to us to reassure them. My proposal is, Sir, that the Act as it at present exists should be scheduled as one of the statutes which is not alterable except with the consent of the Governor-General. I think that meets the situation.

Mr. Zafrullah Khan: Section 80 sub-section (3) paragraph (*h*) of the Act.

Sir Edgar Wood: All we need is to give confidence to the Police for the time being.

Now with reference to what Lord Zetland has said about Courts-Martial. Those Courts-Martial would necessarily, I think, if I understand him correctly, not be the final word in an Inquiry. The idea I think is to let the Police realise that their actions will be first of all judged by their superior officers, and that it will go on the records that their superior officers—naturally drawn from all communities so far as possible—have considered the question, whatever it may be—discipline or action—in the first instance whilst it is fresh to memory and have recorded their opinion for the benefit of any other body which may be required to make any further enquiry.

There is another point in connection with the Police. I think we agreed in the Provincial Committee—I am not perfectly certain about this—Sir P. C. Mitter is not here, but he stressed the point that the Inspector-General should have direct access to the Governor. I think that it is very necessary that the Police should have direct access to the Governor with the knowledge of the Minister. I think we agreed upon that, and I merely mention it in case a debate is required on that. I think it is very important, but I believe it is a matter upon which we have already agreed.

Sir Cowasji Jehangir: For all heads of Departments.

Mr. Zafrullah Khan: That the Governor may be supplied with such information as he may require, with the knowledge of the Minister.

Sir Edgar Wood: I am quite satisfied with that with regard to the Police.

There is one other matter. I wish Sir P. C. Mitter were here because I would like to be guided by his view on this—that where there are Second Chambers in the Provinces a vote of no confidence in the Executive in matters of law and order should not be effective unless confirmed by the Upper Chamber. That is a protection to the Ministers; it strengthens their hands to feel that they have the Upper Chamber behind them.

Then Lord Zetland has mentioned the question of a Police Federation. If I remember rightly, the Police Federation in England was the result of the strike of the Police in 1919, and I think it was rather forced upon the authorities. I am very doubtful whether a Union of that sort amongst the Police, which should consider orders passed upon them by higher authorities, is quite the correct thing in India. I have no doubt that Mr. Shiva Rao, who is so keen a Trade Unionist and such an earnest worker for trade unionism, would be in favour of that; but I am a little doubtful whether the Police in India are yet in a position to have a Federation which will enable them to criticise rules and regulations which may be proposed in connection with their Service.

All that I have been speaking for so far has been with a view of giving confidence to the Police at present. If we give them confidence during the next five or ten years then I think the Government of India can do the rest.

Sir Chimanlal Setalvad: I spoke about this matter at the time of the general discussion and I am still of the same view. I am against providing anything which would show distrust in the new Constitution in the new Ministers that will come into existence under that Constitution. If you are going to transfer law and order, as you say you want to do, then let the transfer not be weighed down by distrust and by provisions of the character now suggested.

The Police Act is there and it has worked well. Why should you then suppose that the new Government which will come into existence would live

under the old state of things—go back on that, and alter that ? It is to their interests to carry on law and order and administration in the proper way. They will be on their trial in that sense. Why do you suspect that they will go and do exactly the wrong thing ? If you have this proposal you show complete distrust in the new Administration, and that is not at all the way to begin a new reform. Therefore I would leave the matter where it is at present and trust to the new Administration to do the right thing. If at present the Police Act is an Act which cannot be altered without the sanction of the Central Government, that will be so ; but if it is not so, I am not prepared to make it so. Let things be as they are. If the position is, as I now understand, that the present Police Act is not subject to the previous sanction of the Government of India, then I would not alter that position, because it must imply, without changing the present state of things, that we are not prepared to trust the new local Governments which would come into existence.

With regard to the proposal about the Courts-Martial. That is still more open to objection. It means, as Lord Zetland practically admitted when I put the question to him when he was putting forward that proposal, the withdrawal of the jurisdiction from the local Governments and Administrations on questions of discipline—that is, it must be investigated by the Courts-Martial and their recommendations acted upon. Why not leave it as it is at present ? Leave it to the local Governments to adopt such measures for investigating such charges whenever they arise. There is nothing to prevent the local Governments doing it now ; they appoint committees, when occasion arises, to investigate the matter. You must leave the personnel of such committees to be determined by the local Governments as at present, without cutting down their discretion in the matter by any provisions of the character suggested.

Mr. Zafrullah Khan : My view is exactly the same, but I personally would be satisfied if the local Governments were entrusted with the administration of this very important Department of Law and Order they would carry out their responsibilities in the matter quite satisfactorily ; but I do not conceive the position to be exactly as the last speaker described it. He says if the Act is not at present in the schedule we do not want to put it in that schedule and therefore impose a check which does not at present exist. With all respect, that is not the correct position. At present the subject of law and order is a reserved subject, and our proposal is that it should be transferred. The proposal that this Act should be placed in that schedule amounts to this, that you should transfer up to the extent of 99½ per cent. and reserve half per cent., not that you should add some check which does not already exist. You want to impose this restriction in the course of transfer—

Sir Chimanlal Setalvad : It is not to be a complete transfer.

Mr. Zafrullah Khan : It is to be a transfer subject to this, that if ever that entry is taken out of that schedule there must be this check upon the power of the Provincial Governments that they cannot alter this Act without the consent of the Governor-General in Council. I say this check is not required. Although I recognise that you must trust the Provincial Governments, it seems to me a question also arises of creating confidence in certain quarters, where at present there is some doubt or hesitation with regard to the matter. Those of us who conceive that the subject of law and order could be transferred without any amount of hesitation or qualms should be prepared to recognise that in certain quarters there is that hesitation, and if that hesitation can be removed by giving security that until this entry is taken out this Act may be scheduled as one of those Acts which shall not be lightly interfered with by any whim or passing indignation (as it were) of the local Legislative Council, I think no harm will be done and no subtraction made from the doctrine of Provincial automony ; and when really a reform becomes necessary we do not conceive the Central Government of India should not give reasons for the repeal of the Act, and if there is a lack of confidence—which certainly does exist, although not justified—and it would secure the confidence of those who feel distrust in this matter, I should be prepared to agree to that although I am convinced there is no necessity for it.

Mr. Shiva Rao : On a point of order. I want to know how this suggestion comes within the terms of reference of this sub-Committee.

Chairman : The Report of sub-Committee No. II is this :

> " *The Abolition of Dyarchy.*—The sub-Committee is agreed that in the Governors' provinces the existing system of dyarchy should be abolished and that all provincial subjects, including the portfolio of law and order, should be administered in responsibility to the provinical legislatures. (See note at end.) "

Then the note at the end is this :

> " (1) The question of the administration of the Police was raised by Lord Zetland under paragraph 4, and it was decided that this should be left for the report of the Services sub-Committee when set up."

That question has been specifically referred to us, and therefore although I quite agree it is outside our broad terms of reference, yet by reason of this specific note it has been referred to us.

Mr. Zafrullah Khan : If I may add just this. Perhaps the members of this Committee are not all aware that both the Federal Structure sub-Committee and the Joint sub-Committee set up by sub-Committees, Nos. I and II have suggested quite a large number of enactments on comparatively unimportant subjects to be placed in that list under Section 80 (3) (*h*), and if we put the Police Act under that it will not contravene any principles whatever.

Dr. Ambedkar : I am in general agreement with Mr. Zafrullah Khan. The reason why the Police Act is not placed in the schedule to-day is that the subject is a reserved subject, therefore as a matter of fact the Government of India has a complete control over the Department of Law and Order ; and when the Department of Law and Order comes to be transferred the position will be altogether different. I think it will be necessary to consider whether we should not, at least for the transitional period, consider the necessity of certain safeguards at least for keeping such as they exist at the present time. I personally am in favour of the suggestion that this Police Act should be included in the Schedule which requires to-day the previous sanction of the Governor-General or the Government of India.

There is another point to which I should like to draw your attention with respect to the question of the Police and the Department of Law and Order, a point which I raised also in the Provincial Constitution sub-Committee. This question has been considered, of course, from the standpoint of the responsibility of the future Provincial Governments. It seems to me that this question has also to be considered from the standpoint of the different minorities in the Provinces and the emergency occasions which may arise on occasions of communal trouble and such other emergencies. It seems to me that it is indeed a great safeguard for the minorities in the different Provinces to know which officer belonging to what community is going to administer law and order in that particular locality when a communal riot has taken place. We are all aware that all Police Officers are accused of partiality and of showing favour to one community or the other. There may not be sufficient justification for that accusation ; but there may be cases when there may

be abundant justification for the partiality of the officers operating law and order in those particular localities. It seems to me that it is very necessary in the interests of the protection of the minorities that the transfer and posting of Police Officers should not be, at least in times of emergency, in the hands of Ministers. It may be that a Minister who may have a communal majority in the Province may on any particular occasion shift a Police Officer who may not favour the particular community to which he belongs.

Mr. Zafrullah Khan : Ordinarily the Inspector-General does it.

Dr. Ambedkar : I know that in the Bombay Presidency a great row was created on account of the transfer of Police Officers. I do not know whether it was done under the Inspector of Police or by the Officer in charge; but I think that is a great safeguard which it is necessary to provide for in the future Constitution of India.

My specific proposal is this, that in cases of emergency, as a riot or communal trouble takes place, the Governor should have over-riding powers over the Minister in different localities with regard to the Police.

Raja Narendra Nath : I do not know whether the suggestion that has been made meets with Lord Zetland's approval and whether he thinks that all he wants will be sufficiently met by adopting that suggestion. If that is so, I wish to point out that I believe that in the future Government of India Act the word " Governor-General " will be substituted by " Government of India " and as there is a great deal of transfer of responsibility in the Central Government the action of the Government of India will be guided to a great extent by the opinion of the Central Legislature. That is one thing. But even if that change is not made and if the word " Governor-General " is retained the influence of public opinion on the Governor-General will play such an important part that it may be presumed he will not disregard that public opinion. So I think, Sir, that the suggestion may be adopted, and if the wishes of the noble Marquess are met, the whole controversy ends.

Lord Zetland : First of all may I say a word in reply to what Dr. Ambedkar said. If the Police remain an All-India Service recruited by the Secretary of State, the posting of superior police officers will continue to be subject to the concurrence of the Governor, as it is now. He will find that in the Devolution Rule.

Raja Narendra Nath : Not necessarily.

Lord Zetland : Yes, because the Secretary of State will have the right to require that, if he retains control of the Police. Devolution Rule 10B says that no order for the posting of an officer of an All-India Service shall be made without the personal concurrence of the Governor.

Sir Cowasji Jehangir : " Concurrence " ?

Lord Zetland : That of course would meet Dr. Ambedkar's point. Now with regard to what Mr. Zafrullah Khan says, his suggestion of course meets me entirely so far as the Police Act is concerned, because that would ensure that the existing powers vested in the Inspector-General of Police by the Police Act would not be withdrawn from him, as Mr. Zafrullah Khan says, owing to a passing gust of indignation blowing through a Provincial Legislative Council. It would secure that those powers were retained, subject always to the concurrence either of the Governor-General or the Governor-General in Council—I am really not quite sure which it is going to be.

Now with regard to the other suggestions which I placed before the Committee I think there has been a little misunderstanding. In reply to the question by Sir Chimanlal Setalvad, when I was speaking on the subject of the establishment of disciplinary boards or courts-martial, I said that of course the whole thing was subject to the control of the minister. It must be subject to the control of the Local Government. All that I would like to do is this, that this sub-Committee might suggest as a desirable or at any rate as a convenient form of procedure for the Local Governments to follow in these particular cases—

Sir Chimanlal Setalvad : Surely we are not here to give directions of that character to the local Government. They will use their discretion.

Lord Zetland : Not directions—suggestions. That in a case of this kind where there is a hue and cry against a particular officer of having acted partially in a communal issue, it would be a desirable form of procedure for a Court-Martial or disciplinary board to be set up to investigate the matter. Of course they would report to the minister.

Sir Chimanlal Setalvad : Consisting purely of police officers ?

Lord Zetland : Yes; and of course they would report to the minister naturally, and the minister will take what action he thinks desirable on that.

Sir Chimanlal Setalvad : The minister may think it desirable to have a Committee not of police officers, but, say, of judicial officers or non-officials.

Sir Cowasji Jehangir : May I draw Lord Zetland's attention to this, that what he really requires is already in the Police Act. It is Section 12. It has been so interpreted and has been carried out in practice; so there is really no dispute about it. The Act says this, " that the Inspector-General of Police may from time to time, subject to the approval of the local Government, claim such orders and rules as he shall deem expedient relative to "—so and so, which is irrelevant; then there is this; " all such orders and rules relative to the Police Force as the Inspector-General shall from time to time deem expedient for preventing the abuse or neglect of duty and for rendering such force efficient in the discharge of its duties." Under the rules that he frames he has the right of appointing Committees to investigate and take disciplinary action. It is in the Police Act and it has been done in Bombay on more than one occasion to my knowledge. But it will depend upon the standing of the officer; there are certain officers with regard to whom he has not that power of disciplinary action. They are the officers at the very top, such as the Inspector-General himself, the Deputy Inspectors-General down to Superintendents. As to anybody below a Superintendent of a district he has this power of disciplinary action. I do not think the point need be stressed further.

Lord Zetland : Very well; I am very much obliged to Sir Cowasji for calling my attention to Clause 12 of the Police Act. I have not got the Act before me, and I do not bear in mind exactly what its provisions are, but if that Clause covers this particular point, I do not press the matter further.

Sir Cowasji Jehangir : When you make that statement, Sir, it covers the point that the Inspector-General can order an investigation into the conduct of a Police Officer on any individual occasion—on any specific charge or charges—is that what you mean ?

Lord Zetland : Yes.

Sir Cowasji Jehangir : Then it does cover that.

Lord Zetland : Then the other suggestion I put forward, merely for consideration, is whether it might not be possible and desirable to establish in India a Police Council on the lines of that which exists in this country. And may I say that when I am accused by Sir Chimanlal Setalvad and others of showing intense distrust of the future Governments in India, I am doing nothing of the sort. I am only asking you to consider whether arrangements which

have been found to be eminently desirable in this country might not be equally desirable in India.

Sir Chimanlal Setalvad : Yes, but the new Government will consider that in their administration. Why need we say that that should be done ?

Lord Zetland : But is there any objection to our putting forward a particular suggestion for their consideration ?

Sir Chimanlal Setalvad : Then you must consider the whole administration and make suggestions with regard to it. That is not what we are here for.

Lord Zetland : Well, that was the suggestion that I put forward, whether it might not be possible and desirable to establish in India a body on the lines of the Police Council in this country.

Raja Narendra Nath : What will be the functions of that Police Council ?

Mr. Chintamani : Mr. Chairman, I do not want to detain the sub-Committee at this stage at any length. I have only a word or two to say. I fear the few words I have to say will not come within the category of one of the wisest speeches I have made here, to which the noble Marquess was pleased to refer yesterday. I disagree with his suggestions *in toto*, I accept his assurance that his motive is not to betray a misturst of the future Governments in India ; but his proposals have no meaning at all if they do not refer to such a state of mind, namely distrust. The noble Marquess has no complaint to make of existing law or of existing administrative practice ; he is motived wholly and entirely by the fear that the new Governments in India may not conform to the present practice and may be impatient to change the present law.

What is the foundation for this fear ? What has happened anywhere to justify this apprehension in respect only of this one department ? Every head of Department, in common with the Inspector-General of Police, has certain powers vested in him. Why has not the noble Marquess shown similar distrust that in the future Government other heads of Departments may require also to be deprived of some of their existing power, and therefore it is prudent for us to make a suggestion ? The mere fact that he has singled out the Police administration because that is going in future to be placed in charge of a minister as requiring a suggestion to be made from us that certain things should be done or should not be done, has a meaning only on the footing that he is not easy in his mind as to what the future Government may do in the administration of the Police. As I have said before, if your structure of reform is founded upon that fear and distrust, it will be far wiser and far more prudent to say we do not trust to the sense of responsibility or the common sense of Indians who may form legislatures and governments, and therefore we will put an end to these labours of ours.

The only answer we can return to the reference made to us with regard to the internal administration of Police is that we have no recommendation to make, because the administration has been considered by us and we should not make an exception of it.

The noble Marquess has told us a good deal which is interesting about the organisation in England. I may make this offer to him : Let him agree to change the Police administration in India on the lines that prevail in England, vesting power in Statutory local bodies, like district and municipal boards, corresponding to your district and borough councils, and then I shall be free to consider all the other suggestions that he makes ; but often it has happened that if there is anything which will work to our detriment in India it is put forward on the plea of analogies in England ; but when there is something good in England for which we aspire, then we are told that our conditions are totally different and these things will not suit us.

I formally move that this sub-Committee's answer to this reference be that we have no recommendation to make.

Sir Robert Hamilton : May I say one word in answer to Mr. Chintamani ? I should like to ask him whether it is not statesmanlike to recognise that there is apprehension in the Force. That apprehension has been voiced. There is apprehension in the Force, and we who are desirous of seeing the new Constitution succeed are anxious that this Force, which is such an important weapon in the hands of the new Ministers, should be useful to its fullest extent. If the apprehensions that do exist in the Force can be met on the lines of the suggestion made by Mr. Zafrullah Khan, is not it desirable that we should meet them in that way ?

Mr. Chintamani : My answer is that I think that such apprehensions do exist in the minds of European officers, not only of the Police Department but of every single Department of every Government in India. These apprehensions did exist in 1919 when the transfer of certain Departments was proposed. These apprehensions have been uttered by the officers of every reserved Department. Then why do not you take notice of these apprehensions in every Department and make similar recommendations ? Why make an exception in this case ?

Chairman : It looks to me as if in drawing up something for the report stage, I had better follow the procedure which I followed at an earlier stage of our report and make it perfectly plain that there is a divergence of opinion ; then we can record the two views, and, if you like, record these on one side and those on the other. I will do that. We will now adjourn and I will try to let you have all the stages we have gone through, and I hope we shall not be very long in getting to our report stage.

(*The sub-Committee adjourned at* 1.13 *p.m.*)

PROCEEDINGS OF THE FIFTH MEETING OF SUB-COMMITTEE NO. VIII (SERVICES), HELD ON 12TH JANUARY, 1931.

Chairman : We will begin the Report stage. I think the best thing would be if I read this thing through sentence by sentence, so that you may tell me at the end of any sentence if there is any amendment which is desirable. You have all got the document before you, I hope.

Paragraph 1 : " Inasmuch as the Government of India Act and the ules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

" When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds, should be provided."

Sir Chimanlal Setalvad : That, I suppose, is with regard to the existing members of the Services ?

Chairman : The existing Services. It is all headed : " Existing members of the Services."

" As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term.

" In particular the sub-Committee agreed that the right to retire on proportionate pension should be extended.

" The opinion of the sub-Committee was divided as to whether the extension should be for an unlimited term or for a definite period of years, say, 5 years.

" The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted, provided that the same is conducive to loyal and efficient service."

Mr. Shiva Rao : Instead of " say, 5 years," would not you say " not to exceed 5 years " ?

Sir Edgar Wood : I think the opinion was that it should be over the transition period, which is more than 5 years, I take it.

Mr. Chintamani : In the paragraph beginning " In particular " and the two following paragraphs, I move that the Report might read as follows : After " that they may serve for their normal term " then : " To this end the sub-Committee agreed that the right to retire on proportionate pension might be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding 5 "—and omit the subsequent paragraph.

Chairman : I do not think there is any objection to the first two. You say " not exceeding 5 " instead of " say 5." I think the grammar of yours is rather better than the grammar of mine.

Sir Cowasji Jehangir : What is the material change ?

Mr. Chintamani : There is nothing material in the last paragraph : " The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted, provided that the same is conducive to loyal and efficient service." This paragraph might be interpreted by implication to mean that even those who did not want the extension of this concession for more than 5 years would be willing that it should be extended for a longer term if that was found necessary to avoid such results. Those who are for limiting this to five years have, I believe, gone the farthest length and would not be prepared to see an extension of that right under any plea whatever, and therefore I ask that that paragraph should be omitted. As regards the others, it is agreed that there should be a definite extension. The meaning is clearly brought out in the foregoing sentences. This has a meaning only so far as the 5 year people are concerned ; otherwise, it has no meaning, and the limitation to 5 years.—

Chairman : Will you read the last two paragraphs again ?

Mr. Chintamani :..." it is desirable to take such steps as are necessary to reassure existing members of the services with the view that they may serve for their normal term." Then I say " to this end the sub-Committee agreed that the right to retire on proportionate pension might be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding 5." This brings out the opinions of both sides quite clearly—there is no ambiguity whatever—the extent of agreement and the extent of disagreement.

Lt.-Col. Gidney : Might I ask for an explanation regarding the suggestion to put the word " should " instead of " might " because " should " is definite ?

Mr. Chintamani : The only difference I can see is this. Assuming the Government of India found that whatever might be the changes or concessions necessary in order to bring about the intended results, the extension of this particular right was not one of the things necessary, then there would not be before them a definite recommendation that a certain thing should be done ; it would be only before them for consideration as a thing that might be done.

Lt.-Col. Gidney : I think the consensus of opinion was that we should respect this proviso, and that existing members should be given this opportunity of retirement within a certain period. The word " might " certainly renders its value very nugatory.

Chairman : It is entirely a matter for the sub-Committee to decide which is best. I point out this if I may. Do not forget that we have that sentence before explaining the object of the whole thing, in which we say : " It is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste " —I think that was Sir P. C. Mitter's suggestion— " and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term." I suggest that Mr. Chintamani's suggestion is an improvement ; when he puts in " To this end " instead of " In particular," it links up the new sentence with the old sentence, and I would rather suggest that you have " should " instead of " might." It is a small matter.

I would suggest, as far as that sentence goes, that we should accept Mr. Chintamani's phrase " to this end " instead of " in particular." Then I suggest you could accept Mr. Chintamani's idea of joining the two sentences, because I think it is neater : " But opinion was divided as to whether the extension should be for an unlimited term or for a definite period." Now comes the point of substance I think, as to whether we should say " say, five years," or whether we should tie ourselves down to " not exceeding five years." Let us discuss that now.

Mr. Chintamani : As far as the discussion went, it ended with a compromise ; but no one who was in favour of a definite extension was in favour of more than 5 years ; so that it would be a faithful reproduction of the discussion to say " not more than 5."

Sir Edgar Wood : I think I am correct in saying that one member suggested extending it every 5 year period.

Mr. Chintamani : That is quite a different matter ; that does not come into this category at all. He wanted the right to revise it every 5 years.

Sir A. P. Patro : As far as the discussion was on this point, I think it would be a faithful reflection of that discussion to say that it was for 5 years, because those gentlemen who wanted to have a definite period adhered to the period of 5 years.

And therefore, it would be correct to say " for a period of 5 years " or " not exceeding 5 years " ; that is correct as far as the discussion went. Then comes the disputed question : " The sub-Committee recommend that whatever course is necessary to avoid the risk—." I entirely object to the deletion of that, because it is absolutely necessary to state faithfully what took place here in this Committee. In this Committee we recommended that it was absolutely necessary to avoid risks if these results should be adopted, " provided that the same is conducive to loyal and efficient service." That was the general trend of opinion in this Committee ; this paragraph therefore states what was the discussion. Hence I see no reason whatever to delete that paragraph. But if it is said that even now a few members do not wish to make this recommendation, it will have to be modified and we shall have to say that a portion or a section of the Committee is of such and such an opinion. It is quite wrong to say that the whole of this paragraph should be deleted because there is no discussion and no opinion expressed on that matter.

Chairman : What do you say about " say, 5 years."

Sir A. P. Patro : On that portion I think it is correct to say there was an opinion that it should not exceed 5 years ; but as regards the last paragraph

I stated quite definitely that to enlist the loyalty and co-operation of the Services it was necessary to facilitate the taking of any steps in that direction.

Mr. Chintamani: Mr. Chairman, the point brought out in this disputed paragraph is already brought out in the preceding paragraphs as to the motive and purpose. Apart from that, you will remember that I gave you notice immediately you read this that I would move to delete this when we got to the report stage; so that I am only doing what I said I would do.

Chairman: Mr. Chintamani is quite right; he said at the time he was going to move to delete the last paragraph; he is certainly not in a position of having let the thing go by default or anything of that sort.

Sir A. P. Patro: It is not as though we were drafting a statute here, in which case it might be said that we should not express the same idea more than once. Therefore, as it is, it is correct.

Chairman: I do not mind at all; but I will tell you what I had in mind in putting it in, if that is the smallest use to you in guiding your judgment. It was simply this: There was a difference of opinion as to whether we should extend it for a period, let us say, not exceeding 5 years, or whether we should leave it open. But though there was a difference as to the means, I wanted to emphasise, what I thought was the fact, that the Committee were all agreed that the object was to prevent what I think I termed a landslide of officers, and I think everybody agreed that that would have to be done. Some thought 5 years was ample time to do it; others thought unlimited time was necessary; but I thought there was a general opinion that, whatever was necessary to be done had to be done.

Mr. Basu: That hope is I think to some extent expressed by that paragraph: "As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps—". You do state that. It is a mere repetition or a paraphrase of what has gone before.

Mr. Shiva Rao: I think this paragraph as it stands is liable to be misunderstood in this way, that even those who are for limiting the period of 5 years are willing to concede this point that if the Services think it should be an unlimited period in the interests of loyal and efficient service, you are willing to waive that point. I think there is a good deal of force in Mr. Chintamani's point that the last paragraph should go out in view of the fact that you have already made the point of view very clear in the introductory paragraph under that head.

Mr. Mody: It is a small point, but how would it do if at the end of the third paragraph you add the words: "With a view that they may serve for their normal term, and render loyal and efficient service."

Major Stanley: How would it be if you simply transposed the order of these paragraphs and made No. 3 No. 1. I am talking of the block of the last 3 paragraphs.

Mr. Chintamani: The words "The sub-Committee recommend that whatever course is necessary," if put at the beginning might mean anything—not merely with regard to extension of term of office and so on, extension of the right to retire on proportionate pension.

Mr. Basu: We have to keep in mind the interests of the administration as well as the interests of the taxpayer. If an officer, after the new constitution has been working for 5 years, cannot make up his mind that he should retire, then, if he is allowed liberty to retire after the first 5 years at any moment he chooses, the State loses an experienced officer, and the officer too will always be thinking of finding some job that he would probably get elsewhere, and it would impair the efficiency of administration. May I suggest the compromise in the following words: "Some of the members of the sub-Committee think that whatever course is necessary—".

Sir Chimanlal Setalvad: That is inconsistent with the first paragraph in which we have said that we all think it is necessary to take steps. Having given the reason why we recommend it, we say: "it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term."

Lord Zetland: If I may say so, Mr. Chairman, I am a good deal impressed with what Mr. Chintamani says. I do not myself see that this last paragraph is really of very much substance; it does to some extent conflict,I think, with what is said in the earlier paragraph, as Mr. Chintamani points out. So far as I understand it, I do not attach any great importance to retaining the last paragraph.

Mr. Chintamani: My contention is that it is not merely a repetition in other language of what has gone before, but an extension.

Lord Zetland: Yes; I see your point, and I think your point is a good one, if I may say so; I am in agreement with you.

Sir Cowasji Jehangir: Sir, if you drop that paragraph, you leave out these words "loyal and efficient service." If you drop it out, then, as Mr. Mody says, it should go in at the top. It means he must not seek employment elsewhere.

Lord Zetland: I think if Mr. Mody's words are put in where he suggested they should be put in, the Committee might come to an agreement on that. (*Agreed.*)

Chairman: Then it will read like this, "it is desirable to take such steps as are necessary to reassure existing members of the Services with a view that they may serve for their normal term and render loyal and efficient service."

Mr. Tambe: Or "with loyalty and efficiency."

Chairman: Yes, what about that: "With loyalty and efficiency."

Sir A. P. Patro: I do not agree to that; I adhere to the objection which I raised. I want the retention of that clause.

Chairman: Then we had better put this to the vote. As I see it, there are two courses open. I suggest, first of all, that we accept Mr Chintamani's suggestion of the words "to this end" instead of "in particular." We accept "should" which he is willing to do. We accept his suggestion of the word "but" joining the two together; and we say "not exceeding" instead of "5 years." Then the two rival suggestions are these. There is not much in it, one way or the other. One is that after the words "they may serve for their normal term" the words should be added "with loyalty and efficiency." The other suggestion is this, that you do not put those words there but leave the last sentence, in order to emphasise that the difference of opinion is merely a difference as to means and not a difference as to the ultimate result. It is said, on the contrary, that that is already made plain by the longer paragraph above. I think we had better just take a vote on this and settle it one way or the other. Those in favour of the suggestion of striking out the last sentence and putting in the words "with loyalty and efficiency?" (*There was a show of hands*). 13. Those in favour of keeping in the last paragraph?—8. Then we will do that: we will strike out the last paragraph, and put in the words "With loyalty and efficiency."

Now No. 2: "Future recruitment for the All-India Services. We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised. Four members"—they are clearly entitled to have their

names mentioned if they desire—" would prefer that the Irrigation Branch should remain an All-India Service. Mr. Shiva Rao desires to record his view that all Services should be provincialised forthwith."

Mr. Tambe : My name may be added to that.

Chairman : Yes. Then we must make it " desire to record their view ".

Mr. Tambe : Yes.

Chairman : " Doctor Ambedkar, Mr. Zafrullah Khan, and Sardar Sampuran Singh are averse to further recruitment on an All-India basis for the Indian Civil Service, save in respect of the European element in that Service. Some members are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service."

Dr. Ambedkar : Also the Indian Police Service, Sir.

Chairman : You want put in, do you, " for the Indian Civil Service and the Indian Police Service " ?

Dr. Ambedkar : Yes.

Chairman : Does that apply to Mr. Zafrullah Khan?

Mr. Zafrullah Khan : Yes.

Chairman : And to Sardar Sampuran Singh ?

Sardar Sampuran Singh : That is right.

Chairman : I am only purporting to record your views there, so I will put in the words " and for the Indian Police Service ".

Mr. Mody : Then you will have to say: they are of opinion, instead of " some members ".

Mr. Zafrullah Khan : And we shall have to say: " in those Services ".

Mr. Chintamani : I wish to draw attention to something in the very first sentence and in the very last sentence. The very first sentence is " We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis ". The last sentence is: " Some members are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service." My proposal is that this last sentence should be linked up with the first sentence. It will then read like this: " We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis but— " either " some members are of opinion " or without that, " recruitment for Judicial Offices should no longer be made from the Indian Civil Service ". The idea which I have in mind is that when the number of places in the Indian Civil Service year by year that has to be recruited is determined, account is taken of the number of Judicial Officers as well as Executive Officers for which new men are required, and that number is recruited for. What we desire is that in recruitment the Judicial Officers should be left out altogether; the recruitment for Judicial Offices should not be in the Civil Service; it should be a separate recruitment. Howsoever the language may be expressed, this was the opinion of all those who objected to Indian Civil Service officers continuing to be Judicial Officers for the future. Therefore I should like to put it in that way.

Chairman : I think that is a good idea, to link the two up; but what about " some members " as opposed to " all members ". I do not think all members will agree to that. I see some heads being shaken already.

Sir Robert Hamilton : What do you mean by " Judicial Offices " ; how far down would you go ?

Mr. Chintamani : District and Session Judges, High Court Judges and Subordinate Judges. Those are true Judicial Officers.

Sir Provash Chunder Mitter : I agree with Mr. Chintamani on that point.

Mr. Zafrullah Khan : May I suggest, if a majority is in favour of this, that it should be part of the Report, and with regard to those who differ, it should be said somewhere that some of us were of opinion that this should not be done.

Chairman : Mr. Chintamani put this language in. I have had a little doubt as to whether this is really within our terms of reference.

Mr. Chintamani : Yes ; it is in connection with the Civil Service.

Chairman : I am not too sure of it ; I think there is argument for it and argument against it. I do not want to press it too much, because, after all, we are concerned with the loyalty of the Services to the new political structures. We are not so much concerned with what the Services have to do, which is a matter for the reorganisation of the Services.

Sir Cowasji Jehangir : Give Mr. Chintamani the benefit of the doubt, Sir. May I point out that it is relevant, because what Mr. Chintamani and most of us wanted was that recruitment for the Judicial Services should not be on an All-India basis but on a provincial basis—it does not matter where they were recruited from—which would enable each government then to recruit people for the Judicial Services from the Bar or from the Provincial Services, or however they chose. Therefore Judicial Services must be excluded from the All-India Service, and that is relevant.

Then that will carry out the wishes of most of us. I must point out, for the information of some members, that there are only four judicial posts now which are held by the Indian Civil Service. There are only two District Judges who are members of the Indian Civil Service ; all the rest have been provincialised. I am only talking of my Presidency. In the High Court there are one or two members of the Indian Civil Service.

Mr. Chintamani : You must have at least one there.

Sir Cowasji Jehangir : We have three now ; and we have only five in the whole of the Bombay Presidency to my knowledge holding Judicial posts.

Chairman : Should not we represent the sense of the meeting if we said this: " We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis ; but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service."

Lieut.-Colonel Gidney : Sir, there is one point which seems to create a divergence of opinion between Mr. Chintamani and Sir Cowasji. Mr. Chintamani's resolution means that if you are a member of the Indian Civil Service, you are debarred from sitting in the High Court. Sir Cowasji said that these appointments should be recruited from the Bar and from the provincial Civil Services. Does he mean by that that while provincial Civil Servants may become judges of the High Court, members of the Indian Civil Service are to be debarred. That seems to be rather contradictory.

Sir Cowasji Jehangir : Judicial Service is the work of a trained lawyer.

Lieut.-Colonel Gidney : Of course the provincial Civil Servant is a different officer from the Indian Civil Servant, but they are both government officers ; and if the objection is to a Civil Servant becoming a Judge of the High Court, that objection should apply to both.

Mr. Zafrullah Khan : May I say a word with a view to expalining what the position is at present. So far as the High Courts are concerned, the Government of India Act provides as to what classes High Court Judges are to be drawn from. The present

provision is that not less than one-third of the Judges shall be members of the Indian Civil Service, not less than one-third shall be Barristers of England, Ireland or Scotland; and the remainder, which is always less than one-third, may be members of the Civil Service, may be Barristers or may be Advocates, or are taken from the Subordinate Judiciary. That is as far as the High Court is concerned. So far as the Subordinate Judiciary is concerned, no doubt they become members of the Provincial Judicial Civil Service, but they are drawn from the Bar. The appointments are now in all the Provinces confined to members of the Bar. So that the original recruitment to that branch of the Service is from the Bar. What we desire is that recruitment to the High Courts, which is partially from the Bar, and to District and Session Judges, which is also partially from the Bar, should be entirely from the Bar as is the case in the Subordinate Judiciary Service.

Lieut.-Col. Gidney : When they are drawn from the Judicial Offices of the Provinces, they become *ipso facto* Provincial Civil Servants.

Sir Provash Chunder Mitter : With regard to the immediate point, I am afraid that it will be confusing the issue if we refer to the High Court. The point is recruitment for the future. As regards recruitment for the future, as soon as an officer is recruited he does not go at once to the High Court. The time for going to the High Court is perhaps ten years later or twenty years later. Therefore we should say that in future, so far as the Indian Civil Service is concerned, we recruit a certain number, with the object that we recruit some to fill up judicial posts, and some to fill up executive posts. In future we desire, for the sake of security, that we shall continue to recruit for the executive posts. Therefore the argument of the High Court does not come in at all.

Mr. Fazl-ul-Huq : The suggestion which has been made would meet the point. No discussion is necessary if you say: " The majority are of opinion ".

Chairman : The only question is whether we shall say " some " or " the majority ". I should like to see how many are in favour of putting in the words. The amendment reads: " We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis, but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service ". I am told that it would be better to put: " should no longer be made in the Indian Civil Service ". Do you accept that, Mr. Chintamani ?

Mr. Chintamani : Yes.

Chairman : Will those in favour of those words being inserted kindly signify ? (*On a show of hands there voted in favour of this* 16). Will those against the words being inserted kindly signify ? (*There was another show of hands*). The words " the majority" are carried. We will insert, after the words " on an All-India basis ", the words, " but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service".

We now come to page 3 of the draft. The heading is " The recruiting and controlling authority for the future All-India Services ". I should like to tell you, first of all, that I am by no means proud of this drafting. I am only too conscious of the fact, on reading it through in cold blood, that it is not a very good piece of English composition. Sometimes I say " Some members of the Committee are in favour of " this, and then: " Some members of the Committee are in favour of " that, and then I introduce a sentence where it is doubtful whether I am talking about some members of the Committee or all members of the Committee. I have no doubt that you have noticed that. Please do not think that I am in any way wedded to this draft. I see that Lord Zetland has suggested that this might be very much reduced in length without in any way getting away from the sense of what the Committee did. Where does yours come in, Lord Zetland ?

Lord Zetland : I suggest that it comes in at the end of the second paragraph.

Chairman : The first two paragraphs read: " Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services. On the question whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion ". Down to there, may I take it that it is all right ? (*Agreed.*) The amendment suggested by Lord Zetland will now be circulated. I have only at this moment seen it myself. I am not complaining, but I would have let the Committee have it if I had seen it earlier.

Sir Cowasji Jehangir : For what is this a substitute?

Chairman : It is for the whole of the rest of it, I take it.

Lord Zetland : Yes. I would insert here a new paragraph which would take the place of the rest of page 3, and of pages 3, 4 and 5, down to the end of the last paragraph but one on page 5.

Chairman : That is to say, down to the word " dismissal ".

Lord Zetland : That is right. I think that it really says very much the same thing, but it says it in a shorter way. This is the paragraph as I have it: " The majority of us are of opinion that in the case of these two services it is desirable that some recruitment of Europeans should continue". As far as I remember, there was a majority in favour of that actual proposition. " On the question of the ratio there is a difference of opinion, some of us holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India. With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be and also what conditions of service may be necessary to enable them to secure the number and type of recruits that they require. Those of us who take this view "—this is still the majority—" attach importance to complete control over the Services being vested in the Indian and Provincial Governments". That is the point of Mr. Chintamani and of other members of the Committee. " A minority of us "—and this is where I come in myself. I must not be understood to have included myself in the majority; I was being as generous as I could to my friends here—" think that the recruiting authority should be the Secretary of State, since we hold that without an ultimate right of appeal to him and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those of us who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules ".

Mr. Foot : May I ask a question with regard to the word " British " ? The word " British " has been used, and frequently the word " European " is used. Is it necessary that the word " European " should be used at all ?

Lord Zetland : Yes. I think that it should be " European ". The word " European " is always used in this connection in India.

Sir Provash Chunder Mitter : Upon that point I should like specifically to limit it to " British " and not " European ". We may be willing to have the

British element, but there is no reason why we should have French or Italians.

Chairman : The amendment proposed is on page 3, after the first two paragraphs which I have read, to cut out the whole of the rest down to the words " supersession, suspension, removal, or dismissal," which are to be found 7 lines from the bottom of page 5, and to substitute this paragraph is place thereof.

Mr. Chintamani : To begin with, I am not clear in my mind whether it is the majority of us, or some of us, who are in favour of this.

Chairman : We will settle that. Perhaps it is as well to take an opinion upon it now. It is useful, I think, in order to guide us in our deliberations, to see whether that first statement of Lord Zetland's is right. It reads: " The majority of us are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue ". Will those in favour of that please signify ? (*A show of hands was then taken*). I am told that that is a majority. Who is going to speak upon this amendment ?

Sir Cowasji Jehangir : I take it that all these points are covered in Lord Zetland's amendment, because I have not had time to verify it. Lord Zetland has done it very carefully, and no doubt all the points in the three pages are covered in the amendment. The amendment reads: " With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be ", and so on. I think that the majority held that it should be the Government of India, and not that it should be left to the Government of India. The discussion was whether the recruiting authority should be the Government of India or the Secretary of State. According to this draft, it says that the majority did not desire to come to a decision upon this point, but desired to leave it to somebody else, namely, the Government of India. That was not the point as far as I remember. So far as I recollect—I am not certain whether it was the majority, and we can leave that to be ascertained—those who expressed the opinion were clear on the point that it should be the Government of India who should be the recruiting authority, and we had no desire to leave it to anybody else to decide that point.

Lord Zetland : Upon that point Sir Cowasji Jehangir may be right, but that was not what I understood the sub-Committee to wish. I understood that the majority of the sub-Committee wished to leave the decision to the future Government of India. And it was for that reason that it was suggested that we might advise the Government of India to set up a Committee. I thought it was felt that that was quite unnecessary, and after that, I thought that it was decided that it was desirable, in the opinion of the majority, that the decision should be left to the future Government of India to take.

Sir Cowasji Jehangir : My impression was that it was the Government of India or the Secretary of State ; some were for the Government of India and others were for the Secretary of State. Upon this particular matter, as far as my recollection goes, neither Sir Chimanlal Setalvad or Mr. Chintamani, who were arguing the case in favour of the Government of India being the recruiting authority, ever stated on this point that they desired to leave it to the Government of India.

Sir Chimanlal Setalvad : I think that Sir Cowasji Jehangir is right in indicating the view which we expressed. The view was that in our opinion the recruiting authority should be the Government of India, and that the control also should vest there.

Lord Zetland : If the majority of the Committee consider that it should be definitely laid down that it should be the Government of India I have no objection, because I am not in that majority. It does not matter to me one way or the other. The question is, what does the majority wish ?

Chairman : We had better ascertain that. I am not quite sure that I follow this. Is not this rather the same question as we had before, the question as to whether a recruitment of Europeans should continue ? If you leave it simply to the Government of India, then those who are in favour of that course are not giving any guide, but they are leaving themselves completely in the hands of the Government of India as to the recruitment of Europeans or not. Is it not rather the same question as we had before ?

Sir Chimanlal Setalvad : No. This does not concern Europeans or Indians. Whatever the recruitment should be, both of Europeans and of Indians, the recruiting authority and the controlling authority should be the Government of India.

Sir A. P. Patro : It should be left to the Government of India whether it is going to recruit any further or not.

Sir Chimanlal Setalvad : Whether Europeans or Indians are recruited, the recruiting authority and the controlling authority should be the Government of India.

Mr. Mody : We go on to a new idea in the second sentence. With regard to the recruiting authority, our definite opinion was that it should be the Government of India.

Chairman : I will leave this to the vote, but I suggest to you for your consideration that this is very ambiguous. The sentence is : " With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be and also what conditions of service may be necessary to enable them to secure the number and type of recruits that they require ". I am sure that that will be read as meaning that it is for the Government of India to decide whether they want Europeans or not.

Lord Zetland : Surely that sentence leaves it to the Government of India to determine whether, in the case of these two Services, the recruitment is to be effected by one authority or by another authority.

Sir Chimanlal Setalvad : The Government of India may also recruit Europeans.

Lord Zetland : Yes ; that is my point.

Sir Cowasji Jehangir : In my opinion the racial question ought to come after the authority question. If you first decide who is the recruiting authority, then you can go on to the racial question. That is how we discussed it, and I think that it should be put in that order.

Lord Zetland : I thought that that was a bad order, and that was why I reversed it. Two things go together. The question of the continued recruitment of Europeans, and the ratio in which they should be recruited, is surely one subject. Another subject is by whom should they be recruited ?

Sir Chimanlal Setalvad : I would like to make a definite suggestion. Instead of this sentence beginning with the words : " With regard to the recruiting authority " and ending with the words : " to secure the number and type of recruits that they require " I suggest that we substitute the words : " The majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India ".

Sir Edgar Wood : I feel quite sure that it was the view that the Government of India should have the door left open so that they could adopt whatever they thought would be the more efficient method. I thought that this Committee agreed to leave the discretion in the hands of the Government of India, and not to close the door.

Mr. Shiva Rao : With regard to the recruiting authority for Indian and European entrants into the service, the majority of us held that it should be the future Government of India. That is practically what Sir Chimanlal Setalvad suggested.

Chairman : If I might guide the meeting, with the very greatest respect to Lord Zetland, I think that this sentence is ambiguous. I understand it in a different sense from the way in which Lord Zetland obviously means it to read. I think that the part which makes me understand it differently is the phrase : " to enable them to secure the number and type of recruits that they require ". I think that that would be met by Sir Chimanlal Setalvad's amendment. Perhaps he would not mind reading it again.

Sir Chimanlal Setalvad : " The majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India ".

Chairman : And you strike out the other words.

Sir Chimanlal Setalvad : Yes. The whole sentence goes, beginning with the words " With regard to " and ending with the word " require ".

Mr. Mody : I think that that statement by itself is a little bald, and I would like to amplify it. I would say : " with regard to the recruiting authority, the majority hold that it should be the Government of India ". Then I take a sentence from your draft, and that is : " They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control ". I think that it should be amplified.

Chairman : Yes, but that is a sentence borrowed from my Report dealing with ratio, and it is applied to the recruiting authority.

Mr. Mody : That is the real meaning. With regard to the recruiting authority, Sir Chimanlal Setalvad refers to recruitment and control. I want to make clear what it means. Therefore I would say : " With regard to the recruiting authority, the majority hold that it should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control," because all these questions were considered by the majority.

Chairman : Very well. If there is no objection to that, I will put Sir Chimanlal Setalvad's amendment as amended. I think that it would be a good idea if I made a further amendment. " Whatever decision should be reached as to ratio "—that differentiates this from ratio. " Whatever decision should be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control ". I want to ascertain whether there is a majority of the Committee in favour of that.

(*On the show of hands there voted in favour, 14; and against, 12.*)

Chairman : I think it is right to say that there is a majority in favour.

Sir Cowasji Jehangir : I want added to this, exactly as you have read it out : " It might be that they would consider that for the purpose of recruiting such European officers of the best class as they might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal ".

Sir Chimanlal Setalvad : Here you have left complete discretion for them to consider everything.

Sir Cowasji Jehangir : We amplify it to show that even if it is left to the Government of India, the recruiting officer is the Government of India ; the Governor-General may be the authority who would decide appeals. That is a very strong point in favour of having it in the Government of India, because the objection raised is that the Services would feel more confident if an individual such as the Governor-General, were the deciding authority and that paragraph of yours brings in that idea very clearly. We do not lay down anything, we only amplify it. It is at the bottom of page 5.

Chairman : There is the suggestion. Sir Cowasji proposes this. Shall I read those original words over again ; perhaps I had better do so. So far what I have got is as follows ; the proposed amendment is : " Whatever decision may be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments and control—" we had better put in there " it might even be that the Government of India would consider that for the purpose of recruiting such European officers of the best class as they might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal ". Sir Cowasji wants to add those words there. (*On a show of hands, four voted in favour.*)

Then I will take a vote on the main amendment, which is to be as I read—I need not read it again—" whatever decision may be reached as to ratio " and so on. If we are not in favour of this we shall have to go back to my draft. We are working on Lord Zetland's draft, and the suggestion is that the following words be inserted after the words : " future Government of India "—" Whatever decision may be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments and control ". The amendment before us is that those words be there inserted.

(*On the show of hands there voted in favour 16.*)

Chairman : That is a majority. And now we will read on in Lord Zetland's draft : " Those of us who take this view attach importance to complete control over the Services being vested in the Indian and Provincial Governments. A minority of us think that the recruiting authority should be the Secretary of State, since we hold that without an ultimate right of appeal to him and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those of us who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules ". Lord Zetland's suggestion is that that takes the place of all this stuff right down to the end of paragraph 5, leaving only the last paragraph of 5 to be added.

May I take it that that represents the wishes of the Committee ? (*Agreed.*)

Then we turn to the last paragraph of my draft : " There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain Central appointments. Under the new regime it will be a matter of arrangement between the Government of India and the Provincial Governments to continue this practice which has obvious advantages ".

Sir Cowasji Jehangir : There is one point here to which I should like to draw your attention. In the last sentence again here you leave it to future discussion between the Government of India and the Provincial Governments. The issue is whether the

officers for the Central Government should be drawn from the Provincial cadre or the Government of India should recruit themselves; that is the issue. You have decided that issue by saying it should be left over to the future for discussion between the Government of India and the Provinces.

Chairman : Not quite that. Will you look at page 12. It rather comes under two heads. It may be that that meets your view. Just read on for a moment: " 7. The Central Services ".

Sir Cowasji Jehangir : " We recommend that the Government of India should be the sole authority for recruitment in the case of all those Departments which are to be under the control of ministers responsible to the Legislature ". My point is this, that this is rather a controversial point on which I think it would be advisable to give a definite opinion. I am afraid some Provinces may agree to supplying officers for the Government of India, while others may not, and it will raise a controversy in the future which will be interminable. Therefore I would much rather express a definite opinion.

Sir Chimanlal Setalvad : We cannot bind the Governments of India; they must arrange between themselves.

Sir Cowasji Jehangir : It is not that. It is an issue that has been raised and has been considered. I raised this point on the last occasion. It has been left indefinite again.

Sir Provash Chunder Mitter : What is the definite suggestion ?

Sir Cowasji Jehangir : The definite suggestion is that the present system continues, and the Government of India should get such officers as they can from the Provinces.

Sir Chimanlal Setalvad : If the Government of India come to a different conclusion, why should we debar them from doing that ?

Chairman : Can you give us your amendment in the form of words ?

Sir Cowasji Jehangir : Yes, quite easily. " In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain Central appointments ". Then I would add the following words: " Under the new regime the present system should continue ".

Sir Chimanlal Setalvad : I am against Sir Cowasji's suggestion. Why should we tie down the Government of India and say they should continue the present system ? We say the present system is of obvious advantage, and then leave it to them to make such arrangements as they can with the Provincial Governments.

Sir Cowasji Jehangir : I do not like the words " and the Provincial Government ".

Sir Chimanlal Setalvad : Why not ? The new Government of India will come into existence. We indicate to them that the present system should continue, and then we leave it to them to make what arrangements they wish to get these men. I do not see why we should lay anything down.

Major Stanley : I did not think that was quite Sir Cowasji's point; he did not want to tie the Government of India down to doing this.

What he was frightened was that the Government of India should say: "We want to go on with the scheme," and the Provincial Governments, or some of them, might say: "We refuse to fall in."

He does not want this amendment to make it obligatory on the Government of India to go on, but he wants to give them the power to go on, *vis-à-vis* the Provincial Government, if they want to.

Sir Cowasji Jehangir : It is an obligation on the Provincial Governments to continue.

Mr. Chintamani : Even at the present moment the Provincial Governments have a large measure of liberty in regard to parting with certain officers, whereas Sir Cowasji wants to deprive the Provincial Governments of the right of saying that such an officer is not available.

Lord Zetland : That is quite true; sometimes the Government of India asks for an officer from a local Government; the local Government is not prepared to lend that officer, and the local Government is not coerced.

Chairman : Will this meet you, Sir Cowasji ? I am not at all sure that it would; it may be a sort of half-way house between the two. " Under the new regime we hope that it may be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages".

Sir Cowasji Jehangir : I accept your wording, Sir.

Chairman : Very well. Does any one object to my wording: May I take it my wording is accepted ?

Now we start: " 4. The Indian Medical Service ". It is suggested to me that we ought to make it plain that this is all subject to our general recommendation with regard to existing officers, and it is suggested to me that we may put in the words: " subject to paragraph 1 ". I do not think there would be any objection to that. (*Agreed*).

" The sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service; and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such. The Government of India and Provincial Governments should organise Civil Medical Services recruited through the Central and Provincial Public Service Commissions. In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of Service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge. Further, the Governments and Public Service Commissions in India should— ". I suggest that we strike out the words " bear in mind " and put "in view of", so as to make it read: "Further, the Governments and Public Service Commissions in India should in view of the requirements of the Army and the British officials in India— ". Strike out the word " and ". " —take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result. It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. We contemplate that such members should sever their connection with the Indian Medical Service during the term of their employment in the Provincial Medical Service—subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agreement between the Army authorities and each Provincial Government ment ".

Now let us see what amendments there are to that.

Mr. Chintamani : In paragraph 3 I prefer the original draft.

Lieut.-Col. Gidney : With all respect to the drafter of this resolution, there seems to be an under-current of misunderstanding. When this Committee decided that there should be no Indian Medical Service officers in the Civil Medical Service we referred particularly to appointments of Civil Surgeons, Professors, etc. In this resolution you have confused the issue between the Provincial Governments and the Government of

India. May I take the paragraphs one by one, Sir? "The Sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointment either under the Government of India or the Provincial Governments should in future," etc. My suggestion is this: "And that no civil appointments under the Provincial Governments should in future be listed as being reserved for Europeans as such." If we do not do that, it means to imply that the Government of India will have an independent Civil Medical Service, and the Provincial Governments will have an independent Indian Medical Service. I think this Committee decided that so far as the servants of the Government of India are concerned they should recruit from the Provinces for the Civil Service. But the confusion here is that you are confusing the Government of India with the Provincial Governments. I will tell you why. There are certain appointments, such as the Foreign and Political, Research, Railways, which are Government of India subjects, and which I believe the Federal or Provincial sub-Committee have decided to be Government of India subjects. They are outside the Civil Surgeoncies with which this Committee is principally interested. So that I would suggest the elimination of the words, "Government of India" in the first paragraph and say: "No Civil appointments under the Provincial Government should in future be listed as being reserved for Europeans as such." You see those are all Provincial Government. You do not anticipate a separate Government of India Medical Service; because then you would have a small cadre, and, as Lord Zetland pointed out, the expenses, the leave reserve, etc., will entail an expenditure that we do not wish to include in this resolution. That is the confusion I think.

Mr. Chintamani: On a point of order, Mr. Chairman, the Medical appointments on our Railway and such other Central subjects are part of those Central Services. The medical and other appointments in any Central subjects are part of those Central subjects, and paragraph 7 on page 12 of your draft is specially devoted to Central Services.

Chairman: And, indeed, our second paragraph on page 6 expressly says that the Government of India as well as the Provincial Governments should organise Civil Medical Services.

Mr. Chintamani: Then we might omit the references. For instance in this first paragraph, Colonel Gidney says his objection is to the words "Government of India"—"that no Civil appointments either under the Government of India or the Provincial Governments should in future be listed." We can omit the reference to both governments, and say: "No Civil appointments should in future be listed."

Lieut.-Col. Gidney: Then you get the difficulty in the second paragraph.

Chairman: Suppose we leave out in the first sentence all the words from "either" down to "Governments," so as to make it read: "Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments should in future be listed as being reserved for Europeans as such."

Lieut.-Col. Gidney: I want to make this clear, because there will be trouble afterwards, because Foreign and Political and Research are entirely Government of India appointments.

Mr. Tambe: But those would be Civil appointments.

Lieut.-Col. Gidney: Not Foreign and Political.

Chairman: We are only dealing with Medical Services here.

Lieut.-Col. Gidney: May I point out that there are certain Medical appointments attached to the Foreign and Political Departments; there are Residency Surgeons and so on.

Mr. Tambe: But they are not military appointments; they are Civil appointments.

Lieut.-Col. Gidney: They belong to a Department which I believe is going to be excluded from the new constitution, and, if that is so, then we are infringing on that decision.

Chairman: I had better put Colonel Gidney's amendment. It will now read, "Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments under the Provincial Governments should in future be listed as being reserved for Europeans as such."

Sir Chimanlal Setalvad: The result of that amendment will be that civil medical appointments under the Government of India may continue to be reserved for Europeans. Therefore, I prefer the original words, which are: "The sub-Committee are of opinion that there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments"—we are not touching the military appointments at all—"either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such."

Major Stanley: I wonder if the appointment to Political offices is under the constitution left to the Viceroy, and would that carry with it the appointment by him of the medical officers for the Political Services?

Mr. Chintamani: Yes. The medical officers in the Political Service are also in the Political Service.

Sir Chimanlal Setalvad: The whole difference would then be, that instead of the Government of India making the appointment, the Viceroy would be making the appointment, but still we can recommend that those appointments need not in the future be reserved for Europeans as such.

Mr. Chintamani: The Viceroy will certainly know that this is the view of the sub-Committee. We may take it that no Viceroy will go out of his way to reserve a certain appointment for members of a particular race. So far as appointments to which reference has been made, namely, the Central Services, the only part of our Report which applies to that is the last sentence of the last paragraph, namely: "As regards the Departments under the control of Ministers responsible to the Governor-General, we do not feel called upon to make any recommendation."

Chairman: I think that I can now put the question. Will those in favour of Colonel Gidney's amendment to strike out the word "either," and the words, "the Government of India or" signify the same in the usual manner? (*Only one member voted in favour of this.*) I am afraid that you are all alone, Colonel Gidney. If there are no other objections to the first sentence, we can conclude the discussion on that sentence. (*Agreed.*)

We come now to the second sentence.

Lieut.-Col. Gidney: With regard to the second sentence, there is another amendment. It now reads: "Government of India and Provincial Governments should organise civil medical services recruited through the Central and Provincial Public Service Commissions." I suggest that the words: "The Government of India and" be omitted, because you are not asking the two Governments to organise separate medical services.

Chairman: Colonel Gidney's proposal is in the second sentence to leave out the words: "Government of India and," so as to make it read, "The Provincial Governments should organise civil medical services recruited through" and then leave out the words "Central and" so as to make it read: "the Provincial Public Service Commissions." Is that the point?

Sir Chimanlal Setalvad: It is the same point.

Major Stanley : Is it quite the same point ? Here we are definitely recommending that the Government of India should set up for itself a separate Medical Service with a full cadre. As far as I could see from the list of posts which were reserved, if you exclude the Indian Political Service, they will have practically nothing to fill except appointments in Delhi and in Simla and medical research. Do you really want to lay down that they must have a separate Service to fill that small number of posts, because that is what this Report does ?

Mr. Chintamani : We are referring to the War Reserve and so on, but I have no objection at all to the present amendment of Colonel Gidney's.

Lord Zetland : This is a very difficult point. Perhaps it would help if I gave the sub-Committee the sort of posts which are at present filled by the Government of India out of the Indian Medical Service. There are about 30 of them altogether. There is the Director-General of the Indian Medical Service, and a Deputy Director-General. Then there are the Superintendent of the X-Ray Institute, the chief Serologist, the chief Medical Officer at Delhi, two civil surgeons at Simla, a civil surgeon at Coorg, a Health Officer at Simla, an Assistant Director of Public Health at Delhi, and 15 Medical Research Department appointments ; also the Senior Medical Officer at Port Blair.

Mr. Basu : How are they going to be recruited ?

Lord Zetland : That is the point with regard to which I am not quite clear.

Chairman : It is said that the requirements are so small, some 30 or 40 in all, that to talk about organising a Civil Medical Service is to use altogether too grandiloquent a phrase ; that is the point.

Lord Zetland : Many of them are specialists, such as the Superintendent of the X-Ray Institute.

Sir Cowasji Jehangir : They will never get them from the Provincial Governments.

Sir Chimanlal Setalvad : Could not you omit all reference to the Government of India and to Provincial Governments, and say only " The Civil Medical Services should be recruited through the Public Service Commission " ?

Chairman : Is that the sense of the meeting ? (*Agreed.*) Is there any other objection to that paragraph ?

Lieut.-Col. Gidney : There is another matter. Continuing on with the paragraph, it says : " in doing so they should, in order to provide a war reserve," and so on. It should be : " In order to provide an Indian Army War Reserve," and not " A War Reserve."

Chairman : We will agree to that if nobody objects. (*Agreed.*)

Lieut.-Col. Gidney : Then it goes on : " In doing so, they should, in order to provide an Indian Army War Reserve, insert a clause in the Contracts of Service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do."

Chairman : I am told that it is a point of some importance. Before you get the R.A.M.C. reserve out from England, in the event of a war, it is always contemplated that you shall use these gentlemen temporarily for the R.A.M.C., until reserves come out from this country, and then the R.A.M.C. would have its own reserve. It is to fill up a temporary gap in the R.A.M.C.

Mr. Chintamani : This complication has arisen only because of the addition of the words " Indian Army ".

Chairman : I suggest that we should leave them out.

Lieut.-Col. Gidney : I do not press that. It is not an important point.

Following that sentence, it says : " In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do". I would advise you to alter it in this way : " In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of service that all such officers shall undergo such military medical training ", and so on.

Chairman : I suggested that that was unnecessary because you might not want all of them, but I do not mind at all.

Lieut.-Col. Gidney : The point is that you cannot have certain officers under certain terms of service and others under different terms. Therefore you must have a Service equipped so that the Army can take advantage of it, and they can then be distributed to the stations.

Sir Cowasji Jehangir : In practice it will be very difficult.

Lieut.-Col. Gidney : They can be distributed for civil work. It is done to-day. To-day they are divided into classes.

My amendment is that all such officers shall undergo a military medical training, and not a military training.

Chairman : Where does the amendment come ?

Lieut.-Col. Gidney : You start from the line " insert a clause in the contracts of service ", and then you go on " that all such officers shall undergo such military medical training ", and so on.

And instead of the words " military training " you use the words " military medical training ".

Mr. Basu : I desire to point out that if you have that, it will be exceedingly difficult to have specialists. They may refuse to enter the Provincial service, and the Provincial service may be in great need of them, if we insert that clause about their all undergoing military training.

Chairman : It seems to be a cogent argument. The question before us is that the words " all officers " be inserted, instead of the words " a sufficient number of officers ".

Sir Cowasji Jehangir : Colonel Gidney wants the whole of the medical service to be ready for the Army.

Lieut.-Col. Gidney : That is the only thing to do.

Chairman : Will those in favour of that amendment please signify ? (*A show of hands was then taken.*) That is not carried.

Lieut.-Col. Gidney : The other amendment that I propose is that instead of the words " military training," it should be " military medical training ".

Sir P. C. Mitter : " Such military training " covers medical training.

Chairman : Will those in favour of that amendment please signify ? (*A show of hands was then taken.*) The amendment is not carried.

We now come to the third paragraph. " Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective civil medical services, and should be prepared to pay such salaries as would bring about this result ".

Mr. Basu : In line 3 of paragraph 3, I should like, after the words " and take steps to recruit " the words " if necessary ". It would then read : " and take steps to recruit, if necessary, a fair and adequate

number of European doctors". You do not want to make it compulsory to recruit. It should depend upon whether the Government of India consider it necessary.

Chairman : I rather hope that that will not be pressed, because this was accepted as the result of a compromise. I gather that the sub-Committee prefers the words as drafted. (*Agreed*).

If there are no other questions on paragraph 3, we will pass on to paragraph 4. Paragraph 4 says: " It is suggested that agreement might be reached between the Central Government and the Provincial Governments, whereby the latter in selecting their European doctors, might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army ".

Lieut.-Col. Gidney : With regard to the next three lines, I should suggest that they should read: " whose services shall be seconded during such employment ", and so on.

Chairman : Will those in favour of that alteration please signify ? (*A show of hands was then taken.*) That is not carried. Will those in favour of paragraph 4 as it originally stood please signify ? (*On a show of hands this was carried.*)

Are there any other questions ?

Lord Zetland : Mr. Chairman, I think that I shall have to put in some words as a reservation unless I can get support in the sub-Committee for a suggestion which I am going to make, namely: that we might add, at the end of paragraph 4, another paragraph. Let me explain quite briefly my reason for this. The Government have certain very distinct obligations in connection with the maintenance of a medical reserve for the Army, and in connection with providing European medical assistants for existing members of the Service. Personally I am very much afraid that, under the scheme which is set out in the Report of this sub-Committee, the Government will fail to recruit European medical officers of the type required. I should, therefore, like to add, at the end of our recommendations, the following words: " Some of us feel that the recommendations contained in the second and third paragraphs will need to be considered by His Majesty's Government in the light of the obligations that they are under, with regard to the provision of: (*a*) adequate European medical assistance for the existing officials and their families ; (*b*) an adequate medical reserve for the Army in time of emergency". I feel very strongly myself, Mr. Chairman, on that point and I should like to know whether any other members of the sub-Committee would be prepared to support me in that contention.

Sir Chimanlal Setalvad : I want to understand what Lord Zetland means concerning the obligations to provide medical attendance to existing members of the Service, and also in the future to provide European officers for that purpose. We have made recommendations for that. I do not know what Lord Zetland means by saying that His Majesty's Government may have to consider it. His Majesty's Government will have to consider the whole thing.

Lord Zetland : His Majesty's Government will have to consider it in the light of their obligations.

Sir Chimanlal Setalvad : Those obligations we have ourselves acknowledged, and we have made recommendations for providing local officers for that purpose. We have done it.

Lord Zetland : My point is, I do not think you will get the European officers under that scheme.

Sir Chimanlal Setalvad : I understand that Lord Zetland's view is that the recommendations we have made are not sufficient. Then he can express that opinion of his, but I do not understand what he means by saying that His Majesty's Government must consider this. In view of their obligations, His Majesty's Government will consider all the Reports of all the Committees and everything before they come to a conclusion as to what is to be done. I can understand Lord Zetland saying that according to his view—or asking his view to be recorded—he does not consider these recommendations sufficient. That I can understand, but not this.

Mr. Shiva Rao : Is it the suggestion that the present Government of His Majesty should consider this, or a future Government after the new constitution has been brought into existence ?

Mr. Chintamani : Paragraphs 2 and 3 of this draft were put before the Committee as an essential compromise. The whole view of the situation was taken; the various opinions and points of view, the desires of the people, and the obligations of the Government, and proposals have been put forward which do not completely meet the essentially Indian point of view. The underlying purpose of these two clauses is that firstly the present position in the military service, as in the civil administration, should be secure ; secondly, that there should be adequate scope for Indian medical officers in all branches of the medical service ; but thirdly, that the requirements of the Army should also be borne in mind, and all necessary and adequate steps should be taken to meet those requirements. As Sir Chimanlal has said, it is open to any subject of the King to say that the actual recommendations we have made are inadequate to the purpose in view. If so, it is open to him to move amendments to those paragraphs, to substitute some other proposals for the proposals embodied therein, and those proposals would naturally be considered with due respect to the eminent position of Lord Zetland, and the majority would reach the conclusion which seemed to be equitable. As Sir Chimanlal has said, what Lord Zetland has now read is not this. He brings in His Majesty's Government in England, which indicates a want of confidence either in the willingness or in the capacity of future Governments in India to meet the obligations specified therein, and special attention is drawn to His Majesty's Government in England. Well, there are some of us who have objections not only to the clause which he wants but to its contents, and may also desire to indicate our objections to that clause. I do not think, if Lord Zetland will forgive me for saying so, that it is quite fair to the sub-Committee which has proceeded to consider the problem from both British and Indian points of view, from the Services point of view, and which has borne in mind the requirements of the Army, the requirements of the British officials in India and the obligations which in fairness and generosity should be discharged. I do not think it is quite fair to come out with this clause, bringing in the Government in England into the whole affair in definite language. If Lord Zetland insists on that clause it will be my duty to request you, Mr. Chairman, to put down the names of some of us and also to permit us to state our objections to that clause by name in the Report.

Sir Cowasji Jehangir : I have not quite followed, and I would like to ask Lord Zetland, does he consider it is an obligation on His Majesty's Government or anybody else to provide British officers for British officials ? Is that one part of the contract ? If it is, let us know. Nobody wants to get out of a contract. Is it a contract ?

Lord Zetland : It has been a promise, surely, to existing members—I am not talking about future members—to existing members of the Services, that adequate provision will be made in that respect.

Sir Cowasji Jehangir : Adequate provision for their medical treatment. Does that adequate provision entail the supply of British medical officers, or European medical officers, for the European officials ? I know it is considered advisable, I also know that some British officials expressed a desire to have European officers ; but when you talk about an obligation we go much further. An obligation means a part of the contract ; it is a part of the contract that they shall

be given free medical assistance—only the officials, not their wives and children. You must remember that only officials are included; their wives and children are not included in the contract. They have got to pay.

Therefore, is it part of the contract? Is it an obligation? I would like to know; I ask for information.

Sir Edgar Wood: I share Lord Zetland's view that there may be very great difficulty in obtaining these medical officers, but I incline on the other hand to the opinion that what we have suggested including in the Report already is sufficient to show that the wish does exist that the Europeans in India should be met in this way so far as is humanly possible by the provision of European medical attendants, and, with all due deference to Lord Zetland—I quite understand his point—I do not really think we need go further than what we have done in the Report.

Lieut.-Colonel Gidney: I may inform this Committee that there is a definite agreement that European medical officers should be supplied to the military officers in India. As to the British Army coming out to India, I believe there is a term in the contract between the War Office and the Government with regard to the British soldier and the British military officer, that it is an obligation of the Government to provide them with the same medical treatment as they are used to in their own country. I elicited that from the Director of Medical Services about four years ago.

Chairman: Colonel Gidney, may I suggest: Could not we meet that point of Sir Cowasji's, which is a small point, in this way: Instead of using the phrase: "in the light of the obligations they are under," which assumes they are under some obligations, use the phrase: "in the light of any obligations they may be under," leaving it quite open as to whether there are obligations or not?

Sir Cowasji Jehangir: There is a great controversy in India on this point, and it has reached a stage when it is causing a considerable amount of trouble and irritation. Personally I accept this draft as a compromise, as Mr. Chintamani has said. Many of us feel, and I frankly admit it, that even as worded it will be strongly criticised. But we are prepared to accept that. I have thought over it and I do not raise any objection to the draft as it stands, although I warn Delegates that it will be strongly criticised as it stands. See the wording as it stands, Sir: "Further the Governments and Public Service Commissions in India should bear in mind the requirements of the Army," That is all right. "—and the British officials in India and take steps to recruit a fair and adequate number of European doctors." What does that mean? It means that we admit that for British officials a certain number of European doctors are necessary. I think it is an admission, if the Committee is agreed upon it, which is going much further than many of us intended; but many of us thought it would be advisable, and I would suggest that if the draft is left as it is, a great deal has been gained already.

Mr. Chintamani: Read the last sentence also: "and should be prepared to pay such salaries as would bring about this result."

Sir Cowasji Jehangir: Yes. I would suggest that as it stands we are going very near the margin; we are going as far as we possibly can go, and we stand open to a considerable amount of criticism, even as it is drafted; but I am prepared to accept it. I have already stated what I think is a fair proposition, that the British officials can demand first-class medical assistance. Here we have already gone a good step further; I think we had better not go any further than that.

Mr. Chintamani: Lord Zetland and Major Stanley assisted in giving this shape to these two paragraphs.

Major Stanley: I may say I did move the amendment which is contained in paragraph 4 and I should like it to be made plain that my acceptance of the clause as a whole is contingent upon such an agreement being arrived at.

Lord Zetland: I do not want to press anything on the sub-Committee which obviously is distasteful to it. My real difficulty over the whole of this question is that I feel convinced in my own mind that neither the Army nor the Provincial Governments will get first-class European medical officers under the scheme put forward by this sub-Committee. That being so, I think the simplest thing for me merely to say in so many words: "Lord Zetland fears that under the scheme proposed neither the Provincial Governments nor the Indian Medical Service will secure the European medical officers of the type required, and considers therefore that the scheme is premature," or something like that. I mean I feel that if I do not make a reservation of some kind, it will be assumed that I think that this is a good and workable scheme. I wish I did think so, but obviously I do not; and, that being so, it would be dishonest of me at least not to make that clear. So that perhaps I may just put in a personal reservation to this particular part of the Report, Mr. Chairman; I will write something quite short such as this: "Lord Zetland fears that under the scheme neither the Provincial Governments nor the Indian Medical Service will secure European Medical officers of the type required," or something like that.

Sir E. Wood: I would like to associate myself with that expression of opinion.

Chairman: Major Stanley, do you want a reservation too?

Major Stanley: I will think it over, and, if so, it will be on the lines that my assent to it is on the possibility of the agreements being arrived at.

Chairman: Very well then. You desire to associate yourself with Lord Zetland; you will get into touch with him I daresay.

Mr. Chintamani: May I definitely presume that the particular clause put forward by Lord Zetland is not to be pressed?

Lord Zetland: Yes.

Chairman: Now we come to page 8, "5. Public Service Commissions. (1) In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be." (*Agreed.*)

"(2) Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Services Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result." We have got an amendment coming, but down to that point it is all right? May I take it down to there? Now Raja Narendra Nath has got an amendment that comes in here.

Raja Narendra Nath: I propose the following additions to be made: "Provided that in no case the proportion of appointments to be filled to redress communal, caste and class inequalities shall exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit."

Sir A. P. Patro: All appointments will be filled on considerations of merit.

Raja Narendra Nath: In connection with this I should like to read out to the sub-Committee an extract from a very important and authentic old

document which is paragraph 105 of the Despatch No. 44 of the Court of Directors, dated 10th December, 1834. "But the meaning of the enactment"—that was the Despatch which accompanied the Act of 1833—"we take to be that there shall be no governing caste in India, and that whatever tests or qualifications may be adopted, distinction of race and religion shall not be of the number." All that I want, Sir, is that the essence of this paragraph may be embodied in the constitution somewhere so as to have sufficient binding force.

Now in providing that there shall be "adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications," a disregard of comparative merit is involved. What I want is this, that the disregard of comparative efficiency and comparative qualifications may be confined to a certain number of the appointments, and that that proportion of appointments should not be determined by the Governor or the Governor-General, but should be determined by us now and laid down in the directions that we give. There is nothing novel or extraordinary in the suggestion which I make. This rule of reserving one-third of the appointments to redress communal and caste equalities is already observed by the Government of India with regard to All-India services.

I want that very rule to be observed with regard to Provincial Governments, and I do not want it to be left to the discretion of the Governor. To leave it to the discretion of the Governor will raise many difficulties. In the first place it will drag him into unnecessary communal squabbles. In the second place, he will be placed in a very awkward position when he has to meet the demands or to reject the demands of a minister or a Cabinet representing the majority community, and he will have to solve that very difficult question which we have not up to this time been able to solve in the Minorities Committee, as to the claims of the population basis versus weightage. It will lead to differential treatment of minorities. That is why I wish to take it altogether out of the hands of the Governor or the Governor-General.

The efficiency of Public Service is the first consideration in recruitment. If from the very outset the posts have to be divided between different classes and communities, that consideration of efficiency is subordinated between castes and communities, which I do not want, and which I think will be detrimental to the Public Services, apart from other considerations of inconvenience and administrative difficulties which will arise. My friend on the opposite side referred to the convention which exists in the United Provinces with regard to the proportion of appointments to be set apart for Mussalmans. Well, I appeal to him to consider that conventions are not sacrosanct; conventions would be broken; and what will be the effect of following that convention when the observance of the convention is resisted by a Cabinet the majority of which is made up of the majority community? So I think we shall solve all difficulties if we give a direction now that the communal and caste and class inequalities should be considered only with respect to one-third of the appointments to be filled, the remaining two-thirds to be filled on considerations of merit only. That is all I have to say on this amendment.

(The sub-Committee adjourned at 6.44 p.m.)

PROCEEDINGS OF THE SIXTH MEETING OF SUB-COMMITTEE NO. VIII (SERVICES) HELD ON 13TH JANUARY, 1931.

Chairman: We were dealing with your amendment, Raja Narendra Nath. I do not know whether you have finished your remarks on the first part.

Raja Narendra Nath: The extract from the paragraph in the Despatch which I quoted is not the old document that it appears to be. It was not as the result of my research work that I traced it; I found it in the speech of Sir Malcolm Hailey who delivered a speech as Home Member in the Legislative Assembly. I forget the exact date of his speech. As far as my memory goes the Finance Member of the Punjab, Sir Geoffrey de Montmorency, referred to this in a speech dated the 19th July, 1927. The policy laid down in that paragraph forms the bedrock of the present system of recruitment. All I fear is that when the Provinces become autonomous, when the Federal system of Government is introduced and when the Central Government is given very little power of interference with the Provincial Governments, that principle may be forgotten, and the Governor of a Province may find it very difficult to resist the wishes of the majority. That is why I want that principle to be embodied somewhere so that it may have some effective and binding force.

I will speak on the other amendment afterwards.

Chairman: The amendment as proposed is, "At the end of clause (2) add, 'provided that the proportion of appointments to be filled to redress communal, class, and caste inequalities shall not in any case exceed one third of the total appointments to be filled, the remaining two thirds of the appointments being filled solely on considerations of merit".

Mr. Fazl-ul-Huq: My objections to it are as follows. In the first place, it seems to me that we are going somewhat into details which we ought not to do in making our recommendations to the Conference. We are here to lay down, if possible, something like principles and not go into details.

Secondly, Sir, it seems to me that we might have complete confidence in the members of the Public Service Commission, and also the Governor's controlling authority, in order to take such steps as they like, and that it would be improper to bring about the desired end which my friend has in view. He proposes that one-third of the total appointments should be reserved to redress inequalities and the other two-thirds should be filled up on merit. I should have thought that all appointments should be filled up on merit alone. It is no use saying that two-thirds of the appointments should be filled up on merit and that the others should be filled up in some other way. Therefore I appeal to my friend not to press this, but to leave it as a matter of detail to be determined by the members of the Public Service Commission. That is all I have to say.

Sir Chimanlal Setalvad: I agree with Mr. Falz-ul-Huq that we should be well advised to leave the clause as it stands. All the clause does is to indicate that in filling these appointments consistently with considerations of efficiency and necessary qualifications there should be a fair and adequate representation. That is the general principle of guidance to be laid down. I think we shall be well advised to leave the clause as it stands.

Mr. Tambe: In the present system of Government of India appointments, including the I.C.S. the practice is that two thirds of the appointments should be filled on merit and one third to adjust communal inequalities. That is the present system which is in force and it also obtains in some Provincial Services. There is no doubt that there was a tendency at one time for many of the Government of India Services to be manned by a community, and it was to obviate that that the Government of India asked that one-third should be reserved to adjust communal inequalities. That gives an opportunity for minor communities to get representation.

Chairman : I will put the amendment in two parts. This is the first. The proposal is to insert at the end of clause 2 the words which are before you, beginning with the words, "provided that the proportion" down to "solely on considerations of merit."

Those in favour of those words being there inserted, please indicate the same. The contrary? that is not carried.

Raja Narendra Nath : I wish my reservation to be mentioned in the Report, and also the fact that it was lost.

Chairman : We will certainly put that in. Do you wish to associate yourself with that or not, Lieut.-Colonel Gidney.

Lieut.-Colonel Gidney : I am told this will be left to the Public Services Commission.

Sardar Sampuran Singh : I associate myself with Raja Narendra Nath.

Raja Narendra Nath : The second amendment is in the following terms; "The Provincial Public Services Commission shall also hear appeals against disciplinary action taken by Ministers involving supersession, suspension, or dimsissal of the Members of the Provincial Service." The power of hearing appeals is given to the Governor. I think the Governor would be put in a very awkward position if he has to hear appeals and decide against his own Minister who represents the majority party, and who has the whole administration of the Province in his own hand. I would give that power of appeal to the Public Service Commission and not to the Governor.

Sir Edgar Wood : I have no objection to that provided there is added, "and shall advise the appropriate authority thereon," or words to that effect. In my opinion the Public Services Commission should be the medium through which these appeals shouldgo to the final authority, such as the Governor. If it is necessary to put anything in at all, I think that should be made quite clear.

Lieut.-Colonel Gidney : If it would help Raja Narendra Nath at all, I might say that this is a duty which has already been proposed.

Mr. Chintamani : I oppose the amendment which involves a certain degradation of the status and authority of the Ministers. It is not an appeal to him and to his own chief, but to the Public Service Commission which is an outside body. It is to him that we have entrusted the function of issuing general directions to the Public Service Commission with a view to securing all the ends in view. An appeal from the decision of a Minister to the Governor would be a natural thing which no one would resent, but an appeal to the Public Service Commission stands on a different footing, and I think it ought to be opposed.

Dr. Shafa'at Ahmad Khan : I thought there was no need for this amendment because every Public Service Commission is constituted on a proper basis. These powers have been conferred on every Public Service Commission so that I am rather surprised to find that Mr. Chintamani opposes it. As a matter of fact if the Hon'ble Members will look through the Lee Commission's Report they will find there is a reference to the granting of such powers. In Australia and other countries various Acts actually confer all these powers on the Public Service Commission so I am rather surprised that an innocent and, I think, really beneficial proposal like this should be opposed. I do not know what conception of the power of Ministers Mr. Chintamani holds. So far as I am concerned, I certainly would not like any Minister to interfere in any matter concerning the supersession, suspension, or dismissal of members of the Service. Unless the Members, whether of the Provincial or Imperial Services, are secure in their appointments and are guaranteed against any attack—either a Party attack or any form of attack which we know is quite frequent—they will not really be able to discharge their duties properly. For these reasons I support the amendment which has been proposed.

Sir Cowasji Jehangir : I think the present principle so far as the Central Government is concerned, that the appeal is made to the Governor-General—

Sir Edgar Wood : On a point of order. I would point out to the speaker that the rules are that the Governor-General shall obtain the advice of the Commission before forwarding to the Secretary of State an appeal made to him. The words are, "the Governor-General shall consult the Commission."

Sir Cowasji Jehangir : It is generally done, but in principle it is not binding on the Governor-General. The advice is generally taken, and it would be under very exceptional circumstances that a Governor-General would turn down the advice on such a question given by the Public Service Commission. At present the appeal is to the Secretary of State, and it goes with two opinions, that of the Commission and the Governor-General. I do not know whether it is necessary to make it a statutory provision that an appeal should go through that channel. That is all it amounts to. I do not know whether it is necessary or not. I do not think it is any use discussing a detail of this sort, which is whether it is absolutely necessary that statutory provision should be made that this channel should be used. I think personally that it might be left as it is and the usual practice is bound to be followed; that is that the Commission will be made a channel through which all appeals of this sort will reach either the Governor or the Governor-General. I do not think it is a question on which we need waste any more time.

Lord Zetland : I assumed—I daresay I was wrong—that under the existing act these bodies had to be consulted in these cases.

Sir Edgar Wood : That is correct.

Lord Zetland : Of course in some Provinces we have not yet got Public Service Commissions, and I therefore see no harm in our saying, as Raja Narendra Nath proposes to say in this paragraph, that this should be the practice.

Chairman : The existing rule which I have before me is this, "the Governor-General in Council shall before considering any appeal presented to him"—he is the appellate authority—"consult the Commission in regard to the order to be passed thereon." It is one thing to consult a Commission with regard to the order which you pass on an appeal; it is a wholly different thing to provide that the appeal is heard by the Public Service Commission. I think the Committee ought to have that distinction clearly in its mind, and realise that this amendment if passed in this form, as I follow it, is not the existing law or the existing practice.

Mr. Chintamani : The Public Service Commission, according to our resolution here, is concerned with the improvement of the Service. It is not concerned once an officer is recruited with any question relating to him after he has become an officer of the Government. An officer actually in the Service can go to the outside authority with regard to any departmental action taken by his own chief.

Mr. Mody : It becomes a channel. What are the words which it is proposed should be added?

Chairman : "And shall advise the Governor thereon."

Mr. Mody : That is all it means now, a channel.

Sir Provash Chunder Mitter : I think we can meet Mr. Chintamani's objection. My suggestion is that in every case the appeal should lie with the Governor, but that it should be obligatory on the Governor to consult the Public Services Commission. I think that is better because the Governor must have advice. He has the advice of the Minister.

He has no right to assume that the Minister is wrong, and if he also gets the advice of an independent body then I think both points are met.

Chairman : May I give you the words ? It is proposed that you should add words like these, " The Governor shall before considering any appeal presented to him in respect of disciplinary action taken by Ministers involving supersession, suspension or dismissal, of the Members of the Provincial Service consult the Commission in regard to the order to be passed thereon."

Major Stanley : Might we know what the practice is in Australia and New Zealand where they have these Public Service Commissions functioning ?

Lord Zetland : It is obligatory.

Raja Narendra Nath : The difference is as you yourself, Sir, pointed out, and that difference is a very marked difference. I still insist on the amendment as it stands, and that the words which have been suggested at the end should be taken into consideration and made the subject of a vote.

Lord Zetland : Do you realise that if this is passed in this form you will deprive the Governor apparently of any say in the matter ?

Raja Narendra Nath : Yes, I mean that.

Lord Zetland : It means you will have to eliminate the Governor altogether.

Raja Narendra Nath : Yes.

Lord Zetland : I cannot agree to that.

Chairman : Will you propose the amendment which you have suggested, Raja Narendra Nath.

Raja Narendra Nath : I will put it in draft form.

Chairman : I will read the rule. The rule provides that, " the Governor-General in Council shall before considering any appeal presented to him in accordance with the Statutory appeal rules against any order of censure or withholding of increment or promotion or reduction to a lower post, suspension, removal, or dismissal, or before passing any original order withholding an increment or promotion " and so on " consult the Commission with regard to the order to be passed thereon."

Raja Narendra Nath : Could we not substitute the word " Governor."

Chairman : What about " in accordance with the statutory appeal rules " ?

Raja Narendra Nath : That is not any different from what I propose.

Chairman : There is a proviso added, " provided that it shall not be necessary for the Governor-General in Council to consult the Commission in any case in which the Commission has at any previous stage given advice as to the orders to be passed and no fresh question has thereafter arisen," and so on. We need not bother about that. Your amendment is this, substitute the word " Governor " for the word " the Governor-General in Council." Delete the words " in accordance with the statutory appeal rules," and delete the proviso. You propose the amendment in that form ?

Sir Provash Chunder Mitter : Yes.

Sir Edgar Wood : I think that will do.

Raja Narendra Nath : Will you allow my amendment to be mentioned and say it is lost ? I should like my amendment to be put first.

Chairman : Very well, I will put Raja Narendra Nath's amendment first. He proposes the words, " the Provincial Public Services Commission shall also hear appeals against disciplinary action taken by Ministers involving supersession, suspension, or dismissal, of the members of the Provincial Service and shall advise the Governor thereon."……

I will next put Sir P. C. Mitter's amendment.

Those in favour of Raja Narendra Nath's amendment please indicate.

Now I will put the words of Sir P. C. Mitter ; " the Governor shall before considering any appeal presented to him against any order consult the Commission in regard to the order to be passed thereon." It has been proposed by Sir P. C. Mitter that those words be there inserted. Those in favour ? against ? It is carried.

Raja Narendra Nath : I should like a note made that I proposed this amendment.

Chairman : Very well.

Now will you turn to page 8. Are there any questions on No. (3) ?

Mr. Mody : We have here the provision that any Member of the Public Service Commission shall after ceasing to be a Member of the Commission be ineligible for further office under the Crown in India. That is a perfectly sound principle, I admit, but are you not making it very hard for any man to serve on the Public Service Commission ? The Governor can dismiss a man if he does not behave like a good boy, and on top of that you make him ineligible for any further office under the Crown. That means, in other words, you will be getting the type of man who will be or should be thinking more of the other world than this ; that is to say, a man who is probably in his dotage and who has nothing to look forward to. While I admit altogether the soundness of the principle, I suggest that you should have a time limit within which he should be ineligible for further office under the Crown. I think if there was a limit of 5 or 10 years after he ceased to be a Member that would meet all objections ; otherwise what will happen will be that you will not get any men of eminence on this Commission ; it also means that you will not get a young man.

I suggest that it would be advisable to put a time limit within which he should be ineligible, otherwise you will get third rate men or men who are too old to be useful.

Chairman : Mr. Mody would like some words such as these " They shall, after ceasing to be members of a Commission, be ineligible for a period of five years." Or would you say : " for some period of time to be fixed " ?

Mr. Mody : I am quite agreeable.

Chairman : Then the phrase will read : " ineligible for some time to be fixed."

Mr. Mody : I should like to suggest a period of five years.

Sir Provash Chunder Mitter : I cannot agree to that, it will nullify the effect of it. Five years may be too long a period.

Lord Zetland : I should like to ask whether in Madras they have any experience of this matter. I understand that there the present rule is the same as that proposed in the main draft. Have they had any difficulty in Madras in securing suitable people for the Public Service Commission ?

Sir Edgar Wood : The Commission there has only been in operation for about two years.

Lord Zetland : But you have had to appoint members of the Commission ?

Sir Edgar Wood : We get very suitable members.

Chairman : The proposal is that after the word " ineligible " in paragraph 5 (3) some words be inserted suggesting that the ineligibility shall only remain for a limited period of years. Let us decide that principle first. I will call for a show of hands.

(*A show of hands was taken and there voted in favour of the principle* 11, *and against* 4).

Chairman : The question is now what words shall be inserted.

Mr. Chintamani : I would suggest that the words be " for a period to be fixed by the Governor."

Dr. Ambedkar : I think we should say " not less than five years."

Chairman : I think I will put it to the meeting as suggested by Mr. Chintamani, namely, that the words be " for a period to be fixed by the Governor."

(*This was put to the meeting and agreed to*).

Chairman : Perhaps we ought to say " Governor or Governor-General, as the case may be."

Does anything else arise on this paragraph ?

Mr. Chintamani : I think there is some revision needed in the last two or three lines. I would suggest that after the words " as members of the Central Commission " we should insert " or of another Provincial Commission."

Chairman : I think the Committee will agree to those words being inserted. (*Agreed.*)

We pass now to paragraph (4). Are there any amendments ?

Mr. Shiva Rao : I think that sub-paragraph (4) is liable to misunderstanding. It suggests that, so far as the Anglo-India community is concerned, we are recommending some deviation from the principles laid down in paragraph 2. I think also that it is wrong in principle to earmark any special Departments for any special communities. I would therefore suggest, after the words " and recommend that", the addition of the words " subject to the principles enunciated in paragraph 2." I would also suggest the deletion of all the words after " employment " in the last line but two, and I would add the words " for a temporary period." I think that was what Colonel Gidney claimed.

Mr. Basu : I think that the principle should not hold good for all time, but only for a temporary period. If it is stated dogmatically like this, it implies a permanent principle.

Mr. Mody : I would leave it to another Round Table Conference in ten years' time.

Chairman : Do you really press your amendment, Mr. Shiva Rao ?

Mr. Shiva Rao : I feel rather uncomfortable in that the paragraph might be considered to lay it down that Customs, Telegraphs and Posts should be reserved for Anglo-Indians. What I have suggested would, I believe, improve the phrasing.

Mr. Basu : The members of the Anglo-Indian community are coming into line with the other communities, in the profession of law, for example, and in several other ways.

Mr. Chintamani : The only point in Mr. Shiva Rao's amendment which is of importance, to my mind, is the last part, " subject to the provisions enunciated in paragraph 2. The objection is that certain Services may become the monopoly of certain communities. That is rightly a matter for objection. If the last words are deleted, what is offered to the Anglo-Indian community is something rather more than if the words are retained. The appeal will now relate to all the Services of the Government, and so long as the Government responds to that appeal to treat the community with generous consideration, it is immaterial to that community whether the Services concerned are of one category or another. I think the sub-Committee would do well to delete these last words.

Chairman : There is a suggestion that we should keep the paragraph as it is, except that we should end it with the word " employment " in the last line but two. May I take it that that represents the wishes of the Committee ? The words we are proposing to cut out do have a certain limiting effect.

Lieut.-Colonel Gidney : If that is the implication I am prepared to accept it. But may I ask that the paragraph end, not at " employment," but at " Services " (" employment in the Services ").

Chairman : I think there will be no objection to that. Does that meet your point Mr. Shiva Rao ?

Mr. Shiva Rao : Very well, Sir.

Dr. Ambedkar : I should like to have a new paragraph inserted after sub-paragraph (4) to this effect: " The sub-Committee desires that a generous policy be adopted in the matter of the employment of the depressed classes in the public service, and it particularly recommends that the recruitment of the Police and Military, from which they are now excluded, should be thrown open to them."

Mr. Chintamani : Are they excluded by rule, or merely as a matter of practice ?

Dr. Ambedker : By rule. The Police Service Commission expressly lays it down that the depressed classes are ineligible.

Mr. Chintamani : If there are rules excluding the depressed classes from employment in particular Departments, such as the Police or Military, they are not rules which hold good over the whole country. There may be such rules in some Provinces, but not in all.

Dr. Ambedkar : If it is desired I would have my proposal end as follows: " and in particular recommends that they (the depressed classes) should not be excluded from any Department of the Public Service hereafter by reason of their untouchability."

Raja Narendra Nath : Surely clause (5) (*a*) covers that ?

Sir Cowasji Jehangir : The position is that this community has been excluded on account of the impracticability of employing them. It is no good going into details here and now. If we had a separate section of the Police for the depressed classes, there would still remain the difficulty of members of such classes doing the work of policemen amongst a population which resented it. How this great disadvantage is to be removed is not clear. I cannot express any opinion. What has been done has been done with the greatest reluctance, as I think Dr. Ambedkar will admit. But I see no objection in expressing what Dr. Ambedkar wishes us to do—even though it be merely pious. I am afraid that we have expressed the same opinion on hundreds of occasions, and nothing has come out of it. Dr. Ambedkar knows very well what orders have been passed, and how they have proved to be impracticable Nevertheless, I support the inclusion of such a paragraph as he proposes. We take the risk, and know it may not be a practical proposition, but as you have said on a previous occasion, we cannot always be logical when we are aiming at an ideal.

Dr. Ambedkar : I am particularly anxious that the Police and the Military should be mentioned, because those are the Departments for which the members of the depressed classes would be most fit.

Chairman : The point is covered by paragraph (5) (*a*) and (*b*).

Dr. Ambedkar : In that way the question of the Anglo-Indian community is also included. I propose a new clause to follow clause (4): " The sub-Committee desires that a generous policy be adopted in the matter of the employment of the depressed classes in the public services, and in particular recommends that the recruitment to the Police and Military Departments, from which they are now excluded, should be thrown open to them."

Raja Narendra Nath : I have a suggestion to make, namely, that we should add: "No person shall be under disability or shall be prejudiced in any way for admission to any Service of the country, merely by religion, caste, or sex." I would have that as a special recommendation.

Dr. Ambedkar : That will come later.

Mr. Basu : I sympathise with Dr. Ambedkar's desire to see the disabilities under which his community suffers removed, and if there is in any Province any disability laid down by administrative rules, those rules should be done away with. But the way in which he has put this statement makes it much too general. For instance, in my Province, a great many posts are filled by members of the depressed classes. This is not a matter which greatly concerns my Province.

Dr. Ambedkar : I am prepared to insert some limiting words such as, "where they are at present excluded."

Raja Narendra Nath : There is no rule debarring their employment in the Police, but in practice they are not employed. Once a question was raised by a Member of the Council asking the Government why these people were not recruited for the police and whether the practice was not in contravention of Section 96 of the present Government of India Act; the reply was not satisfactory. I think the addition of the words which I have suggested will help, and that also the expression of a general desire and general recommendation will also help. But let me tell you that the expression of a general sentiment would not be so effective as the insertion of the words which I have suggested.

Major Stanley : A specific reference to the Military Service is surely outside the scope of this Committee.

Mr. Mody : We have recommended that the requirements of the Army should be borne in mind.

Chairman : I suggest you would make it slightly less controversial if you said this, "And in particular recommend that the recruitment to all Services should be thrown open to them."

Mr. Mody : Yes, from which they are now excluded.

Chairman : I should not say that because that will raise a point of controversy. All you want to say is that recruitment to all Services should be thrown open to them.

Lieut-Colonel Gidney : That there shall be no disqualification for such employment.

Chairman : May I point this out? If we are to make this Report read intelligibly it is a little awkward if we have two consecutive paragraphs which seem to me to cover exactly the same ground, and therefore I would suggest to Dr. Ambedkar that if we have these words it is better that they should come after clause 5. We should make our general recommendations in clause 5, and then I suggest we should attach a paragraph at the end of clause 5 saying something of this sort: "In making this recommendation,"—that is to say the recommendation in clause 5—"the sub-Committee have particularly in mind the case of the depressed classes. They desire", and so on.

Dr. Ambedkar : Very well.

Chairman : We will discuss clause 5 first if you do not mind and see whether we ought to add some clause to that effect. Has any one any observations to make on clause 5 as it is drafted?

Raja Narendra Nath : That is what I said. I suggested after "disability" you should add "or shall be prejudiced in any way."

Chairman : I will put that later. We will take it subject to that point; we will come to that later.

Dr. Ambedkar suggests, having passed clause 5, that we should add these words, "in making this recommendation the sub-Committee have particularly in mind the case of the depressed classes; they desire that a generous policy be adopted in the matter of the employment of the depressed classes in Public Services, and in particular recommend that the recruitment to all Services, including the Police, should be thrown open to them." That is the amendment proposed by Dr. Ambedkar to be added on to the end of clause 5.

Those in favour of that please signify; those of the contrary opinion; it is carried.

Major Stanley : I am a little worried about the word "sex" in clause 5 (*a*). It seems to me that might be liable to some misconstruction. What will happen if a woman comes and demands admission into the Police Service?

Raja Narendra Nath : There are women Police already.

Major Stanley : They are in a Women's Police Force; but is it not going rather far to say that sex is no disqualification for admission into any branch of the Public Service?

Chairman : I notice in this draft in (*a*) that there is a different collocation of words. In (*a*) it is merely by reason of religion, caste, or sex; but in (*b*) it is community, caste, creed, or race. I do not know whether there is any significance attached to that.

Sir Chimanlal Setalvad : I suggest it should be the same set of words in both.

Sir Edgar Wood : I think it would be a good thing if the gentleman who made this addition would explain what he has in his mind.

Chairman : The challenge is up to you, Mr. Shiva Rao.

Mr. Shiva Rao : I introduced the word because a particular request was made to me to do so. Neither of the two lady delegates was present, and therefore it was suggested that one of us should take it up and have this word introduced. I do not see any objection to the retention of the word. Sir Edgar Wood has sat as a member of the Legislative Council which has had a lady as Deputy President, and I do not think he has had any reason to complain whatever about that.

Chairman : The word "person" in English by the Interpretation Act includes both sexes. The proposal is this, that in (*a*) instead of the words "religion, caste, or sex", strike out "religion, caste or sex" and insert "community, caste, creed, or race". Will that do?

Those in favour of the amendment; those against; that is carried.

It is suggested that we pass on now to clause 7 on page 12. That clause is in these terms, "The Central Services. We recommend that the Government of India should be the sole authority for recruitment in the case of all those Departments which are to be under the control of Ministers responsible to the Legislature. As regards the Departments under the control of Ministers responsible to the Governor-General, we do not feel called upon to make any recommendation."

It is suggested that we ought to omit the word "sole" so as to make it read, "we recommend that the Government of India should be the authority," and it is suggested to me that we should substitute for the words "to be under the control" the words "the sole concern". So that it will read in this way, "We recommend that the Government of India should be the authority for recruitment in the case of all those Departments which are the sole concern of Ministers responsible to the Legislature."

The object of this amendment is to secure that in Services where military officers are employed and defence considerations exist, *see* page 169 of the

Government of India Despatch, the authority responsible for defence will be able if necessary to intervene.

Sir Provash Chunder Mitter : We are not dealing with any of the Departments ; we are dealing with Departments outside defence.

Sir Chimanlal Setalvad : Here we are dealing with Departments for which Ministers are responsible. The case referred to is the case of officers drafted into Departments from the military, but the Department is still in the hands of the Ministers.

Chairman : You might have the Royal Engineers employed for the time being in the Railway Service. Is that what you mean ? I am told that does happen now and would presumably continue. In a case like that, the Department, i.e. the railway service, is under the control I suppose of a Minister ; but the Royal Engineers who are for the time being employed in that Department, a Department under Ministerial control obviously—at least I gather so—for the time being come under the control of the Governor-General.

Sir Chimanlal Setalvad : This is not met by the proposed amendment.

Sir Cowasji Jehangir : Is the object that they should be under the control of the military while they are serving ?

Chairman : The object of this amendment is to secure that in Services where military officers are employed and defence considerations exist, the authority responsible for defence will be able if necessary to intervene.

Mr. Chintamani : This cannot be accepted by us. That means that the military authority cannot merely give advice but can intervene with regard to the railways, the post office, and so on. That means that in ordinary times the military would have a voice in the administration.

Mr. Mody : I have a little difficulty about this. I do not quite follow the drafting. Once the officer is recruited no such question arises.

I think it would be intelligible if you not only talked of recruitment but also of control and other things. This merely talks of recruitment. Once they are recruited it does not matter at all what happens afterwards.

Mr. Tambe : I suggest that instead of these words we should say, " we recommend the Government of India should be the authority for the recruitment of those Services which are under the control of the Ministers responsible to the Legislature."

Chairman : I have no objection. It is suggested it should read in this way, "We recommend the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature." Is that accepted ?

Then, " as regards the Services under the control of Ministers responsible to the Governor-General we do not feel called upon to make any recommendation."

Mr. Chintamani : I move in the last line but one the deletion of the three words " Ministers responsible to." I do not know whether the two are to be Ministers responsible to the Governor-General or what arrangement is going to be made.

Mr. Shiva Rao : Could not we say, " as regards the other Services we do not feel called upon to make any recommendations " ?

Mr. Mody : No, that is too vague.

Chairman : Could not we put it in this way, " as regards the Services under the control of the Governor-General, we do not feel called upon to make any recommendation." Those in favour of that ? Those against ? That is carried.

Are there any more observations on clause 7 ?

Now Clause 6 follows : The internal administration of the Police. I have an amendment proposed by Lord Zetland, and I have an amendment by Sir Robert Hamilton, which cover more or less the same ground.

First of all I will read the passage, " subject to the recommendation which has already been made by the Provincial Constitution sub-Committee, that under the new Constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police was left to this sub-Committee." Has anyone any objection down to there ?

Then Lord Zetland proposes that we leave out the words beginning, " we do not doubt that " and going down to the words, about seven lines from the bottom " well founded, would accordingly recommend." Lord Zetland proposes you should put a bracket after the word " recommend " ; that all the words from " we do not doubt that " down to " well founded, would accordingly recommend " be omitted, and that instead there be inserted the amendment which is on the paper before you. I will ask Lord Zetland to explain that amendment. We will discuss it on those lines.

Lord Zetland : May I say that the end of my amendment comes out also. I will read the words which I propose to insert and then I will stop when I come to the point where I wish them to finish. May I also add that I propose this amendment with a view to shortening our discussion. All that I propose to ask you to do now is to agree that the existing Police Acts should be put in the category of Acts which cannot be amended or repealed by the Legislature without the previous consent of the Governor-General. That, in brief, is my point. That being so, I would leave out the whole of page 11 altogether. I will give up all those points. I leave out the last line on page 10 and the whole of page 11. I quite realise that the Chairman can put this point into his draft to meet the point which I raised ; but I also realize that the majority of the sub-Committee did not see eye to eye with me on these points, and therefore, I do not propose to press them.

Now let me read the words which I propose to insert on page 10 after the words " this sub-Committee " in line 8. They are as follows : " We have given consideration to various suggestions made under this head and while some of the sub-Committee" —I put in the words " sub-Committee " there instead of " us " because objection was rather taken to the word " us " in previous amendments—" while some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others "—leave out " of us "—" who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise," and then we go down to line 23 of the main draft, " advise that the Indian Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Act of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General," and leave out everything else. That confines my proposal to that one point, that these Acts should not be repealable or alterable except with the previous sanction of the Governor-General.

Chairman : Let us make it plain. You will see in the draft as originally before you the words in line 8 " we do not doubt." Will you put a bracket before the word " we." You will then see reading line 23 the words " would accordingly recommend." Will you put a bracket after the word " recommend " ? Lord Zetland proposes that all the words between those brackets be left out ; and he proposes, further, that on that same page, on the last line of the page

" others of us feel " be left out to the very end of the clause, and he proposes in the first place which you have indicated by brackets that these words be inserted which you see in his draft, " we have given consideration to various suggestions made under this head and while some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise . . . ."

The question is that those words be inserted in place of the words between the brackets.

Mr. Chintamani : Whether the words proposed to be deleted are deleted or retained, or modified, is comparatively less important than whether the proposed amendment should be inserted. In a word, the amendment amounts to this, that the Provincial Legislatures should not have the power of amending existing Police Acts except with the sanction of the Governor-General. What is involved in this proposal ? It is that no confidence can be reposed in the sense of responsibility of Provincial Governments and Provincial Legislatures, and accordingly this safeguard should be inserted. For the very reason that has prompted this amendment I oppose it. The reasons of my opposition were set forth at considerable length at previous sittings of the sub-Committee, and I need not repeat them. The motive which prompts the amendment is precisely the opposite of the motive which prompts the opposition to the amendment. We feel that confidence should be reposed in the sense of responsibility of future Governments and Legislatures as much in Police administration as in others, and because we feel that we ask for the reform, and because we feel that we oppose the amendment.

Lord Zetland : Might I remind Mr. Chintamani that there is a very long list of Acts which is included in the Schedule to clause 80 (*a*) (3) (*h*) of the Government of India Act. May I further remind him that a special Joint sub-Committee of the Federal Structure sub-Committee and the Provincial Constitution sub-Committee has sat and has made a recommendation as to how a large number of these matters should be dealt with under the new constitution ? They have recommended that this Schedule should be retained and revised ; that some Acts should be taken out of the Schedule and that other Acts should be placed in the Schedule. At the present moment there is more than a page of printed names in the Schedule and if Mr. Chintamani objects to the Police Act being in the Schedule for the reasons which he has given us he must equally object to every one of those Acts.

Mr. Chintamani : Not necessarily.

Lord Zetland : It is not really discriminating ; it is only adding particular Acts to an existing Schedule ; and, moreover, the Schedule which it is intended should continue under the new constitution . . .

Sir Cowasji Jehangir : Why did not the sub-Committee do so ?

Lord Zetland : The sub-Committee did not do it because they did not deal with the details of the Acts. They recommended that the Schedule should remain but should be revised as necessity required.

Sir Chimanlal Setalvad : I do not think there is much force in the argument now advanced on the Schedule. True that Committee reserve a good part of the Schedule, but if you look at the Schedule that was done on the principle that in certain matters there should be uniformity in the country, for instance, with regard to Property Laws and so on. That was mainly to preserve uniformity in the various Provinces with regard to matters of general interest. That stands on quite a different footing from the case that we have here.

Sir Provash Chunder Mitter : I think there is an element of suspicion which makes the position more difficult. There is more than a page of Acts in the Schedule. Now we are going to have a new state of things, and therefore, when it comes to a question of the Government of India interfering I strongly oppose it. When it comes to a question of particular legislation not being undertaken except with the sanction of the Governor-General I think that is due to suspicion. I think it is desirable that we should not have one kind of Police Act in Bengal and a different kind of Act in the neighbouring Provinces, because in the administration of a Department like the Police uniformity is very desirable.

Mr. Chintamani : But impossible.

Sir Provash Chunder Mitter : However, my point is that as it is not a question of administration, as it is a question of legislation, it ought to be considered on its own merits or according to the suggestion put forward to the sub-Committee to which Lord Zetland referred.

Chairman : Before you go any further, I think there is a little danger of this point being obscured. When I drafted this as a result of our deliberations it was quite obvious to me that I could not get a unanimous report, and therefore the scheme of this draft of mine is to set out the two reasons. Some thought this thing and others thought the other. I set out in an argumentative way, as fairly as I could, the arguments which each side had advanced, and that was the scheme of it. Lord Zetland's scheme is exactly the same, as I follow it, but he is omitting all the arguments. I think, perhaps, that it is an advantage because it makes it shorter. I put the other in in case some people wanted it. It is not much good trying to get the discussion back to each of these two things. It is manifest that there is a division of opinion and it is manifest that any report has to state both views. The only difference is to whether we state both views quite simply and shortly, or whether we set out the arguments which have led the adherents of each view to advance that view.

Sir Robert Hamilton : I agree entirely with what you say. Our task is to report what took place in the sub-Committee, and it is a question whether we should rehearse the arguments submitted on either side or state shortly the results in the shape of the two opposite opinions expressed. I have put in an amendment directed to the same end as that of Lord Zetland, namely, to cut out all these various arguments which are rehearsed. In the Provincial Constitution sub-Committee, we agreed *simpliciter* to the abolition of dyarchy, and here we are concerned only with the internal administration of the Police. Therefore, I think I would rather see these arguments omitted than a mere statement in our Report as to whether the Police Act should be Scheduled or as to whether complete control should be left in the hands of the Minister.

Mr. Chintamani : I quite follow what you, Sir, have said, and I think that you have explained very correctly the point of view from which you have drafted this particular part of the Report. The only argument I want to put forward, is that while your statement of the respective points of view gives satisfaction to those of our way of thinking, and our position finds a faithful expression in this draft, the bald statement, in the absence of the arguments addressed on either side, would be inadequate. It is true, as Sir Robert Hamilton has said, that in the Provincial Constitution sub-Committee, we simply made the recommendation that dyarchy should be abolished, but Sir Robert Hamilton ignores the fact that that recommendation was unanimous, and that being so, there was no reason to put in the Report the arguments which were expressed. Wherever there is a substantial divergence of opinion in a Committee or sub-Committee, it is very usual to give the grounds for the different opinions in the Report, though there is force in Sir Robert Hamilton's contention that a

Report need not state all the reasons brought forward. I come now to Lord Zetland. Lord Zetland was the Chairman of the Joint sub-Committee which considered this Schedule. I should like to ask whether ,in the Joint sub-Committee, any member or Lord Zetland himself proposed the view that the Police Act, 1861, should be included in that Schedule.

Lord Zetland: The matter was not raised, and for this reason, that individual Acts were not considered. The recommendation was that the Schedule should remain, but should be revised. We did not consider the individual Acts which were to be placed in the Schedule at all.

Mr. Chintamani: If that Joint sub-Committee recommended that the Schedule should be revised, the sub-Committee meant that the revision should be undertaken by the authorities concerned. Very well, let us leave it to the authorities concerned. I am not asking you to include in, or exclude from, the Schedule any particular Act; that would be according to the discretion of the authorities. But there is a certain principle which runs through the whole of the Schedule. It concerns matters in respect of which uniformity of practice was deemed to be both expedient and desirable, and in respect of which more than one Province was involved. That argument does not come in here. It has been said that different Police Acts in different Provinces would be undesirable. But the Police Acts are more administrative than anything else, and in respect to administrative provisions not only are they different as between one Province and another, but such differences are inevitable, having regard to the conditions in the different Provinces. The only impression that can be conveyed to the public mind of India by the singling out of the Police Department in the manner suggested here will be this, that one sub-Committee, having recommended the abolition of dyarchy, and that all administrative services in a Province shall be in charge of the Ministry responsible to the Legislature, another sub-Committee of the same Conference goes back and makes a special recommendation in respect of the Police and the Police alone. On the balance of all the considerations, I will give my vote for the original draft without the amendments proposed by Sir Robert Hamilton and Lord Zetland.

Mr. Mody: Apart from the arguments on the merits of the case, this Schedule, to which out attention has been drawn by Lord Zetland, consists of all the Government of India Acts, which obviously cannot be altered or repealed by any local legislation. As regards the Police, the Police Act, 1861, is not applicable to the whole of India. Therefore there seems to be a real constitutional difficulty in saying that that Police Act shall be included in this Schedule. I do not see how, in a list of Government of India Acts, we can include an Act of which there are local editions, as there are in Bombay and Madras.

Chairman: Is not the position this: that the Police Act, 1861, is the general Act which applies to the whole of British India, except Bombay, Bengal, and Madras? With regard to Bombay, Bengal, and Madras, these have their own Provincial Acts which regulate and govern their Police. Outside those Provinces, it is the Police Act of 1861 which is the governing authority. Now, I understand, you are going to transfer, under the new scheme, to each Provincial Government, the responsibility for law and order. For instance, Assam will have responsibility for law and order transferred to it, and will therefore become possessed of the relevant powers under the Act of 1861. That is why you can, as a constitutional matter, if you so desire, put this matter outside their control without getting a prior consent.

Mr. Chintamani: May I point out, Sir, that the Act of 1861 provided that every Province which was endowed with a Legislative Council was empowered to have its own Police Act. Those Provinces which had no Legislative Council were under the Government of India, and came under the Police Act.

Sir Provash Chunder Mitter: I should like to explain that under Section 33 of the Government of India Act, the superintendence, direction, and control of the civil and military government of India is vested in the Governor-General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State. Therefore the Police at the present moment, being a reserved department, the Government of India can stop the introduction of a Provincial Act dealing with the Police. Mr. Chintamani is under some misapprehension. The Police Acts are Acts which should have a federal aspect. If I may take a parallel case from a non-contentious subject, the same is true of epidemic disease. There again, there may be certain aspects which ought to be considered from the federal point of view. My argument would have met with the support it deserves but for the fact that for the last century, for reasons into which I need not enter, the Police have been an object of suspicion. But I press for the inclusion of this in the Schedule, having in view the interests of the citizens, rather than as any matter of suspicion. I am as strong as any of my friends here on the question of interference by the Government of India in the internal administration of Departments, but in police matters, as I have pointed out, there is a federal aspect, just as there is in the case of epidemics. What would happen if one Government were to act in such a way as detrimentally to affect the health of the people in another Province? It would be at once pointed out that the question has an All-India aspect, and the same is true of the Police.

Chairman: The form in which I should put the question is as to whether we shall take the lines of my original draft—that is to say, the presentation of the two views, with the arguments—or whether we shall have the two views set out without the arguments.

Sir Cowasji Jehangir: I should like to make a point of explanation. I think we are rather involved with the constitutional question. I quite see what it is Lord Zetland wants; he wants a safeguard, and that is really a matter pertaining to the Provincial Constitution sub-Committee, but it has been referred to us. He wants one further safeguard, namely, that no Provincial Legislature shall change the Police Act if it applies to them, or any of their local Police Acts, as in Bombay, Bengal, or Madras.

Lord Zetland: Without the previous sanction of the Governor-General.

Sir Cowasji Jehangir: We have all agreed in principle to Provincial autonomy. That would imply that any Act passed by a Provincial Government should be amended or rescinded entirely by the Provincial Legislature without any interference from the Government of India. Those three Acts, relating to Bombay, Bengal, and Madras, were passed by the local Legislature, and if any check cannot be put upon them, the check must be by the Governor . .

Lord Zetland: I accept that.

Sir Cowasji Jehangir: In this case, if it is the Governor, then we get over this constitutional question of Provincial autonomy, and it would become only an additional safeguard which we could accept. I personally would be prepared to accept it for the Provinces, if it is a question of the Governor, not the Governor-General.

Chairman: I will put it in that form. But shall we clear out of the way the broad issue of principle? Do you prefer to have the two views set out with the arguments, pro and con, on the lines of my draft, without committing yourselves to the precise words, or do you prefer Lord Zetland's scheme, simply setting out the two views, and omitting the arguments? I will put first Lord Zetland's proposal.

Lord Zetland: I should like to point out, Sir, that I do not omit the arguments. May I read my amendment: "We have given consideration to various suggestions made under this head, and while

some of us think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments . . . ."; that is the main argument.

Chairman: I am sorry if I misrepresented Lord Zetland. What I meant when I said that it was proposed to put it forward without arguments, was that it should be put forward without detailed arguments. One view is that we set out the opposite opinions, with the appropriate detailed arguments; that was according to my original draft. Since then, Lord Zetland has stated that he thinks it sufficient to set out the two views with the broad arguments. I will ask you to vote on Lord Zetland's proposal.

(*There voted in favour of Lord Zetland's proposal* 14, *and in favour of the original draft*, 8.)

Chairman: Lord Zetland's proposal is easily carried.

Sir Provash Chunder Mitter: I should like to have it added that the Governor-General should have a say in this matter.

Chairman: Let us now turn to the text of Lord Zetland's amendment to paragraph 6. He proposes to leave out what follows after the first sentence of the paragraph and to insert the following:—

> "We have given consideration to various suggestions made under this head, and while some of us think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others of us, who consider that the control over the Police forces at present secured to the Inspectors-General by statute should be preserved, advise . . . . ."

Is it accepted by the sub-Committee down to that point? (*Agreed*).

Now I come back to my draft again, "That the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal, and Madras, should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General."

Sir Cowasji Jehangir: Of the Governor.

Chairman: Yes. I suggest you must have the same word in both places, It is quite illogical to have "Governor-General" in one place and "Governor" in the other. Historically there is no doubt a good reason for it, but since you are going to confer control of the Police on each Provincial Government ought not each Provincial Government to be in the same position?

Sir Cowasji Jehangir: The Governor of the Province?

Lord Zetland: I suggest that a Police Act which has been passed by the Central Legislature should not be altered without the previous sanction of the Governor-General, and that the Police Acts which have been passed in the Provincial Legislature should not be altered without the sanction of the Governor.

Chairman: The view I was putting was this for what it is worth. Although historically that, of course, was the position, now each Province is going to be placed in the same position with regard to Police, and each Province is going to have control of law and order. I suggest to you now that whether through the Governor or Governor-General you ought to have the same principle applicable to each Province.

Sir Provash Chunder Mitter: I suggest it ought to be Governor-General for the sake of uniformity.

Mr. Mody: Uniformity is all very well, but in this particular instance it simply cannot be had, for this reason, that the Police Act is a Government of India Act and the Governor-General's consent is necessary. So far as the local Acts are concerned, namely, the Acts of Bombay, Bengal and Madras Presidencies, the sanction of the Governor-General, if you impose the consent of the Governor-General, is necessary. Then you are taking away from them the power they actually enjoy at the present time; in other words, for the sake of uniformity you are transgressing the Provincial autonomy which exists in the various Presidencies.

Sir Cowasji Jehangir: As soon as each Province gets control over law and order it will have to make the choice of either using the Government of India Act or of having a Police Act of its own like Bengal, Madras, and Bombay. If their choice is to have an Act of their own naturally it will be the Governor in that Province who will be the authority to decide whether the Act shall be amended or not. If they choose to make use of the Government of India Act, which they have every right to do, they must submit to the Governor-General being the authority, and therefore, there is no question of not having uniformity; it is entirely a question with regard to which Act they are going to avail themselves of. Up to now the three Provinces have had their own Acts. It is for them to amend or rescind. You want to deprive them of that power without a superior authority. It must be the Governor; it cannot be the Governor-General, unless we go and further recommend that there should be one Police Act for the whole of India and the Acts that Bombay, Bengal, and Madras, have should be rescinded. There is nothing illogical in what I have suggested; it is only in keeping with the principle of Provincial autonomy. That is the point. I do not see where any argument is needed.

Lord Zetland: Might I suggest that this might meet the position. Starting from the part of your draft which we proposed to keep could not we say, "the Police Act of 1861 shall not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and the Police Acts of the Governments of Bombay, Bengal, and Madras," then leave out the next words, and then say, "without the previous sanction of the Governors of those Provinces?"

Sir Provash Chunder Mitter: I move the amendment "without the previous sanction of the Governor-General." It is true those Police Acts are part of the local legislation, but local Governments could not introduce those Acts without going to the Government of India. Now that we are going to have Provincial autonomy I think it is desirable that we should go to the Governor-General.

Sir A. P. Patro: I think that in the interests of Provincial autonomy there should be uniformity. I have no faith in this safeguard. What is the safeguard for not amending the Act of 1861 when you have the Governor merely acting as a constitutional Governor in the Province? It is very easy if the Minister thinks that the Act ought to be amended; it is not difficult for him to obtain the sanction of the Governor. I do not attach any importance to this safeguard. I think that this safeguard is absolutely useless and ineffectual. It is no safeguard at all. However if it pleases you that there should be a safeguard I will support it, but I do say that I cannot agree with my friend Sir P. C. Mitter when he says that for the sake of uniformity we should have the sanction of the Governor-General. There is no meaning in that. He must consider what is to be the future. We have to consider the relation of the Services with regard to the future constitution, and that would be completely in the hands of the Provincial Governments. This safeguard is merely eyewash; it will be ineffectual; it will not help to preserve that independence upon which Lord Zetland rightly insists with regard to the Governor-General; it will be left to the discretion of Cabinet Ministers. I suggest, therefore, that it must be left to the Governors and not the Governor-General.

Chairman: May I ask this question? After this Act is passed is it possible for the Punjab, for instance, to pass their own Police Act?

Sir A. P. Patro: Yes.

Chairman : That is quite obvious. What is the effect of our recommendation if it is in these words. That Act is not the Act of 1861, everyone would agree with that—neither is it the Police Act of the Governments of Bombay, Bengal, or Madras; and if we make our recommendation in this way those who want safeguards have not got one. I only want to understand it. I do not like signing things when I do not know what they mean. If it means the Police Acts of Bombay, Madras, and other Provinces hereafter passing Police Acts, by all means let it be so.

Sir Cowasji Jehangir : Put that in. I have no objection to that if Lord Zetland agrees.

Chairman : I think the best way to get a decision on this is to put the question with regard to each. In the first place it is the Governor-General. Then those who want uniformity can vote in accordance with the first decision. The first decision which I ask you to take is this. You see the words " Governor-General " in this context, that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General. An amendment has been proposed that instead of the words " Governor-General " the word " Governor " should be inserted.

Sir Cowasji Jehangir : Not there.

Chairman : That is the amendment which I have put—instead of the words " Governor-General " insert the word " Governor." Those in favour of the word " Governor " being there inserted please indicate the same; those against the word " Governor " being inserted there ?—The words " Governor-General " remain there.

Mr. Chintamani : I withdraw my second amendment.

Chairman : Very well. Does anyone desire to have the word " Governor " instead of the words " Governor-General " in the next place ?

Sir Cowasji Jehangir : Yes.

Chairman : You see the words " Governor-General " and that the Police Acts of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General. Mr. Chintamani proposes leaving out the words " Governor-General " and inserting instead the word " Governor." Those in favour of the word " Governor " being inserted instead of the words " Governor-General " please indicate. The words " Governor-General " remain in both places.

I think that finishes our deliberations.

Sir Chimanlal Setalvad : What about the note which Lord Zetland mentioned about the Medical Services ? I want to say a word about that. The passage is on page 6, " further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result."

Some of us took the view, you will remember, that it should not be obligatory to provide European medical assistance for these people, but only that medical assistance of an efficient character should be provided. We agreed to that compromise, but if Lord Zetland now insists then certainly expression should be given to the view of those who do not agree with him. This was a compromise and I am ready to stand by it.

Lord Zetland : I never accepted it.

Chairman : I cannot be responsible for Lord Zetland, but so far as I am concerned if I am worth anything you have still a little bit of the compromise left.

Lord Zetland : On that point I understand that any member who could not accept a particular provision was entitled to say so. We have got reservations by a number of other people.

Sir Chimanlal Setalvad : I am afraid I am not understood properly. We should have asked for our view to be reserved if this compromise had not been arrived at. Now it appears that the compromise is not effective because one of the persons who I thought had compromised in that manner, Lord Zetland, withdraws. I think the necessity has arisen for putting in a sentence or two to give expression to the other view.

Sir A. P. Patro : I suggest that we should leave matters as they are.

Chairman : If you feel you must, you are clearly entitled to put in a paragraph representing your views.

Sir Chimanlal Setalvad : There are other people who hold the same view.

Sir Cowasji Jehangir : I am quite agreeable to accept this but I do not see the exact point. You will have to re-open the whole question.

Sir Chimanlal Setalvad : It is not a question of re-opening the question except to state that some of us took the view that it was not necessary to provide European Medical officers.

Chairman : If you submit a sentence of that kind you may put it in, but I think Lord Zetland throughout made it plain that at least it was very doubtful as to whether he would assent to this. As for the rest of us, Sir Robert Hamilton, myself, and Major Stanley have accepted this compromise. I do not know whether Sir Edgar Wood insist on his name going in with Lord Zetland.

Sir Edgar Wood : I should prefer it to go in because I do think what is put up is unworkable and I think it is right to record our view that we think it is not practicable in the interest of the Service to leave things as they are.

Chairman : You are clearly entitled to have that in. Sir C. Setalvad has got, at any rate, the majority of us here supporting him on his compromise, and I hope he will rest content with that.

Sir Cowasji Jehangir : The only two signing this are Lord Zetland and Sir Edgar Wood ?

Chairman : That is so. I suggest it would be very desirable if on this very complicated topic there was no further dissent, but of course that is in your hands.

Sir Chimanlal Setalvad : On this point there is very strong feeling in India. The people object to this condition being imposed on them that they should be served by European doctors.

Major Stanley : You have every right to express your opinion. If others are going to express their own view withdrawing from the statements they made as to recruitment of European officers then I wish to add my name to Lord Zetland's dissent.

Chairman : It is rather a big decision to take and we are now after our time. I think if this is pressed it is only fair that the Committee should be given another chance, because as Major Stanley has said, there are other members of the sub-Committee who might desire to sign the reservation or to reconsider the whole matter. If it is pressed I think we had better say that we will discuss the matter again. We can meet tomorrow if necessary.

Sir Chimanlal Setalvad : I will do anything to avoid another meeting.

Chairman : I thank you all very much, Gentlemen.

Sir A. P. Patro : I am sure we should all like to thank you, Sir, for the patience and courtesy with which you have conducted the meetings of this Committee.

Chairman : I have been very glad to sit with you all. I thank you.

(*The proceedings then terminated.*)

Sub-Committee No. VIII (Services).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE HELD ON 16TH JANUARY, 1931.

The terms of reference to this sub-Committee were as follows :—

" The Relation of the Services to the new political structure.'

The following Delegates were selected to serve on the sub-Committee :—

Sir William Jowitt (*Chairman*).
Lord Zetland.
Major Stanley.
Lord Reading.
Sir Robert Hamilton.
H.H. The Maharaja of Alwar.
H.H. The Maharaja of Nawanagar.
Sir Prabhashankar Pattani.
Rao Bahadur Krishnama Chari.
Sahibzada Sultan Ahmed Khan.
Mr. Chintamani.
Sir P. C. Mitter.
Dr. Narendra Nath Law.
Mr. Basu.
Mr. Tambe.
Sir Chimanlal Setalvad.
Mr. Shiva Rao.
Mr. Mody.
Sir Cowasji Jehangir.
Sir A. P. Patro.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Maharajadhiraja Kameshwar Singh of Darbhanga.
Raja of Parlakimedi.
Dr. Ambedkar.
Lieutenant-Colonel H. A. J. Gidney.
Mr. Paul.
Sardar Sampuran Singh.
Sir Shah Nawaz Bhutto.
Mr. Ghuznavi.
Khan Bahadur Hafiz Hidayat Husain.
Mr. Zafrullah Khan.
Dr. Shafa 'at Ahmad Khan.
Mr. Fazl-ul-Huq.
Sir Edgar Wood.

The sub-Committee met on the 6th, 7th, 8th, 9th, 12th, and 13th of January, 1931, and have authorised me to present this Report.

1. *Existing members of the Services.*—Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds, should be provided.

As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve with loyalty and efficiency for their normal term.

To this end the sub-Committee agreed that the right to retire on proportionate pension should be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding five years.

2. *Future recruitment for the All-India Services.*—We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised.

(Four members would prefer that the Irrigation Branch should remain an All-India Service.

Mr. Shiva Rao and Mr. Tambe desire to record their view that all Services should be provincialised forthwith.

Dr. Ambedkar, Mr. Zafrullah Khan, and Sardar Sampuran Singh are averse to further recruitment on an All-India basis for the Indian Civil Service and the Indian Police Service, save in respect of the European element in those Services.)

3. *The recruiting and controlling authority for the future All-India Services.*—Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services.

On the question whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion.

The majority of the sub-Committee are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue. On the question of the ratio there is a difference of opinion, some holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India.

Whatever decision may be reached as to ratio, the majority of the sub-Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions such as conditions of recruitment, service, emoluments and control. Those who take this view attach importance to complete control over the Services being vested in the Central and Provincial Governments. A minority of the sub-Committee think that the recruiting authority should be the Secretary of State, since they hold that without an ultimate right of appeal to him, and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules.

There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain central appointments. Under the new regime we hope that it will be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages.

4. *The Indian Medical Service.*—Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service; and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such.

The Civil Medical Services should be recruited through the Public Service Commissions. In order to provide a war reserve, a clause should be inserted in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge.

Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result.

It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. We contemplate that such members would sever their connection with the Indian Medical Service during the term of their employment in the Provincial Medical Service—subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agreement between the Army authorities and each Provincial Government.

(Major Stanley wishes to make it clear that his acceptance of this section is contingent upon the possibility of securing satisfactory agreements under paragraph 4.

Lord Zetland and Sir Edgar Wood fear that under the scheme proposed neither the Provincial Governments nor the Indian Medical Service will secure European Medical Officers of the type required, and they would prefer that the present arrangement should continue until Indianisation both in the Indian Army and in the Civil Services has proceeded further.)

5. *Public Service Commissions.*—(1) In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be.

(2) Recruitment to the Public Services shall be made through such Commissions in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result.

(Raja Narendra Nath and Sardar Sampuran Singh desire to add a proviso that the proportion of appointments to be filled to redress communal, class and caste inequalities should not in any case exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit.)

The Governor shall, before considering any appeal presented to him against any order of censure, of withholding an increment or promotion, of reduction to a lower post, of suspension, removal or dismissal, consult the Commission in regard to the order to be passed thereon.

(3) Members of the Public Service Commissions shall hold office during the pleasure of the Crown and be removable by the Governor, in the case of a Provincial Commission, and by the Governor-General in the case of the Central Commission. They shall, after ceasing to be members of a Commission, be ineligible for a period to be fixed by the Governor or Governor-General as the case may be for further office under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible for appointment as members of the Central Commission or of another Provincial Commission, and *vice versa.*

(4) The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and recommend that special consideration should be given to their claims for employment in the Services.

(5) There should be a statutory declaration that—

(*a*) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of community, caste, creed, or race.

(*b*) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services.

In making this recommendation the sub-Committee have particularly in mind the case of the Depressed Classes. They desire that a generous policy be adopted in the matter of the employment of the Depressed Classes in Public Service, and in particular recommend that the recruitment to all Services, including the Police, should be thrown open to them.

6. *Internal Administration of the Police.*—Subject to the recommendation which has already been made by the " Provincial Constitution " sub-Committee, that under the new constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police was left to this sub-Committee. We have given consideration to various suggestions made under this head. Some of the sub-Committee think it undesirable to make any recommendaton which might be held to impinge upon the discretion of the future Provincial Governments. Others, who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General.

7. *The Central Services.*—We recommend that the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature. As regards the Services under the control of the Governor-General, we do not feel called upon to make any recommendation.

Signed on behalf of the sub-Committee

W. A. JOWITT,
Chairman.

St. James's Palace, London,
13th January, 1931.

SUB-COMMITTEE No. IX.

(Sind.)

The Sub-Committee was constituted as follows:—

The Earl Russell (*Chairman*).
The Marquess of Zetland.
The Marquess of Reading.
H.H. The Aga Khan.
Mr. M. A. Jinnah.
Sir Shah Nawaz Bhutto.
Sir Ghulam Hussain Hidayatullah.
Sir Abdul Qaiyum.
Sir Muhammad Shafi.
Dr. Shafa'at Ahmad Khan.
Sardar Sampuran Singh.
Dr. B. S. Moonje.
Mr. M. R. Jayakar.
Raja Narendra Nath.
Mr. C. Y. Chintamani.
Mr. B. V. Jadhav.
Sir Phiroze Sethna.
Mr. H. P. Mody.
Sir Hubert Carr.

with the following terms of reference:—

"The question of constituting Sind as a separate Province."

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. IX (SIND) HELD ON 12TH JANUARY, 1931.

Chairman: The reference to this Committee is to consider the question of constituting Sind as a separate Province. That means, therefore, that the main question of whether it is desirable that Sind should be separated or not has been referred to us, and has not been decided. I think it might be useful if I called the attention of the Committee to what exists already in the way of material on that subject in the various reports. Extracts from the important ones have been circulated this morning, so as to be available to all the members of the Committee.

In the first volume of the Simon Commission's Report, in paragraph 77, there is a description of Sind, with its area and population, and the statement that Karachi is, of course, its important port, that the population is about three-fourths Muslim, and that the present government is under the Bombay Presidency by a Commissioner in Sind, who is to a certain extent more independent and more free than the Commissioners in charge of the other divisions of the Province. They call attention to the fact that the Bombay High Court has no jurisdiction in Sind, but, of course, there is no separation of finances, and they then call attention to one of the most important questions, and that is the Sukkur Barrage, which has cost £16,000,000, and on which there is still a further outlay to take place. In the second Volume of the Simon Commission's Report, in paragraph 38, they deal with the question of separation. These points are all, I think, in the papers before you, and they come down against separation and say they cannot recommend it immediately, but suggest something in the way of a Legislative Committee. Then in the Government of India Despatch, in paragraph 21, they say they can give no final advice without further enquiry, and a special committee, and they call attention to the administrative and financial aspects.

Then there is the memorandum of the Bombay Government to the Simon Commission, and there the Bombay Government are quite strong against the separation. They say that it is impracticable and undesirable and that it would be a great extravagance; and the further details you will find in the Report of the Bombay Government. Then the Bombay Legislative Council state that for financial reasons alone it was impracticable——

Sir G. H. Hidayatullah: The Provincial Committee.

Chairman: I thought it was the Legislative Council.

Sir G. H. Hidayatullah: No, Sir, it was the Provincial Committee.

Chairman: Then the Indian Central Committee recommended separation, but I understand only by a majority of 5 to 4. Then there were some minutes of dissent. There is a very long one by Syed Miran Muhammad Shah, which is on page 56 and onwards of the third volume of the Simon Report, and there he deals in a good deal of detail with the financial objections, and succeeds in proving, in the end, to his own satisfaction at any rate, that there would be no deficit at all after separation.

I am sorry to say that the official information we have on that is not very good. Apparently the last figures were 1924/1925, and we have telegraphed to the Government of Bombay to see if we can get any later figures, because 1924/1925 seems rather a long time ago. I hope we may get an answer, because it does not seem very satisfactory to have figures five years old. There is another minute by Dr. Ambedkar, who comes down against separation, but for different reasons. That really is the question that is before the Committee—to discuss whether it is desirable that the Province should be separated or not.

Now, I understand that Sir Ghulam Hussain Hidayatullah has only come out of a nursing home to attend this Committee, and therefore if the Committee do not mind I should like to call upon him very early. I do not know whether you wish to say something very short, Dr. Moonje.

Dr. Moonje: I just wanted to know why this question is taken up separately in this Round Table Conference, because there are several Provinces which have made a claim for separation and partition into separate Provinces—for instance, the Karnatak and other Provinces, which have been agitating for being converted into separate Provinces, and out of these many areas why should the Sind question alone be separated. I have not been able to understand that point.

Chairman: I am afraid I cannot say. The question was sent to us by the Business Committee.

Mr. Foot: I was on the Business Committee when this Committee was appointed.

Chairman: I am told that the appointment was the result of a discussion in the Minorities Committee when the Prime Minister presided.

Sir G. H. Hidayatullah: The Boundary Committee will deal with those questions. There are questions of areas there to be determined, not as in the case of Sind, which, as is admitted on all hands, is a self-contained Province.

Mr. Foot: The point, I understand, was this. I was a member of the Minorities Committee, and the question of Sind was referred to, and the Prime Minister thought that the matter could best be dealt with separately rather than by the Minorities Committee, which, as members will know, is pressed for time, as most Committees are, and if we had got on to the question of Sind there would have been no time. There were so many questions to be dealt with that the Prime Minister decided that they should be dealt with separately. The Business Committee met, and our terms of reference were drawn, I suppose, with the Prime Minister's approval.

Chairman: I might have pointed out in opening that there is one argument of the Bombay Government which has rather gone by the board, and that is the argument with regard to size, because Sind is as large and as populous, apparently, as the North West Frontier Province.

Sir Ghulam Hussain Hidayatullah: Mr. Chairman, I am one of the two members who dissent from the view of the Bombay Government in regard to the separation of Sind. I do not like to deal with the question of the separation of Sind on communal lines, as some parties are trying to deal with it; I want to deal with it on its merits.

It is in the interests of the inhabitants of Sind that Sind should be separated from Bombay. It is admitted by all that it is racially, geographically, and linguistically a separate Province, the experience, manners, culture and mode of life of Sind are quite different from those of the Bombay Presidency altogether. Not only is that so, but even the revenue system and the irrigation system are different from those of Bombay. It was only by accident of conquest, because the garrison of Bombay conquered Sind, that it happened to be annexed to Bombay at that time, when the Punjab was not incorporated in British India. Had it been, we do not know what would have been the fate of Sind; it might have gone to the Punjab, where the manners, customs, mode of irrigation and revenue system are nearly the same.

Now, Sir, when this garrison of Bombay was marching to Afghanistan under Sir Charles Napier, we unsophisticated Sindhis welcomed your troops, and in their hospitality gave him supply and allowed him a free passage. Those troops marched against our co-religionists, the Afghans. When they returned disappointed, without any rhyme or reason, without any provocation, without any justification, they conquered us. That is the return we got for the hospitality shown by our people. You will excuse me for my frankness. Your own General Commanding, Sir Charles Napier, in his Despatch to the East India Company himself said: " Peccavi: I have Sind."

Mr. Foot: Yes; he called it a piece of rascality.

Sir Ghulam Hussain Hidayatullah: I do not call it that.

Mr. Foot: That is what he called it.

Sir Ghulam Hussain Hidayatullah: Now, Sir, everybody is asking for self-determination. You are applying the principle of self-determination to every part of India and the whole of India. Why should you not now support out righteous cause and make amends for your past sins, and I will show you personally that we have a very strong case for the separation of Sind. Now, Sir, I will first deal with this point. It is admitted on all hands that it is a separate Province. That is admitted by the Simon Commission. If you like I will read it out to you, but I do not want to waste your time by reading it. It is admitted by the Government of India that it is a separate Province. It is a self-contained Province.

Then the second question arises, whether there is a demand for separation from the people or not. There is a demand, Sir, not only from 75 per cent. of the Muhammadans, but from Hindu gentlemen also, though they are in smaller numbers. The most enlightened community, though they are a handful in Sind, the Parsees, have been urging the separation of Sind. I may quote the name of Mr. Jamshed Mehta, who is the President of the Karachi Municipality, and who is associated with every activity of Sind, social, political, commercial. He is in favour of the separation of Sind. Thus, Sir, I have shown you that there is a demand, a demand by an overwhelming majority.

Now, Sir, there is the question whether this demand has arisen of recent years or is a very old and insistent demand. I may call Sir Charles Napier the first Governor of Sind and the last Governor of Sind. After the dictatorship of Sir Charles Napier, Sir Bartle Frere became the Commissioner in Sind; he recommended that the Sind Province as a separate Province should be turned into a Chief Commissionership, nothing to do with Bombay or any other Presidency. But no heed was paid to him. Then this question again was opened in 1817, but, owing to the second Afghan War, the question was prevented from being discussed at full length. Then Lord Curzon again made an attempt to re-open this question. Then my friend in his memorandum has shown that this question has been mooted from time to time and my Hindu friends were the first to be in favour of the separation of Sind.

Now, Sir, I have said that it is a separate Province, there is a demand and this is an old question, there has been an insistent demand for the separation of Sind from time to time. That clearly shows that the people want separation. Now I come to deal with some of the objections of my Government. They say it will be a small Province; but, as Your Lordship pointed out just now, the North-West Frontier Province is much smaller than Sind, and yet it has been made a separate Province. As to the area of Sind, Sind is of the same size as Great Britain without Wales.

Now, Sir, I come to the other difficulties that have been pointed out by my Government, the administrative difficulties as they call them. As a matter of fact, the administrative difficulties are in favour of the separation, as I will presently show you, rather than against it. Since 1843 the Bombay Government has found it difficult to administer Sind efficiently from a distance of 500 to 600 miles by sea and many thousands of miles by rail. Therefore they passed an Act delegating the powers of the Government of Bombay in respect of Sind to the Commissioner in Sind. Does that show that the administrative difficulties are against or in favour of the separation? The Bombay Government has condemned itself by passing this Act itself and subsequently Acts by which it delegated its powers to the Commissioner in Sind.

They cannot rule it from that distance. I should like to read to you what was said by my late friend Mr. Harchandrai, the greatest leader we have had in Sind, and a Hindu. He made a protest when he went as a member of a deputation to see the late Mr. Montagu. " The Government of Sind ", he said, " has for the last seventy years been in effect an unqualified autocracy, with all the disadvantages and characteristics of that system. The Commissioner in Sind derives his numerous powers partly by

inheritance from his ancient predecessor, Sir Charles Napier, the first and last Governor of Sind, and mainly by the frequent delegation to him of numerous powers of local government by the Governor of Bombay in Council, and recently by the specific preservation to him in later Acts of powers elsewhere reserved to the Governor in Council, and has to-day become in most respects a local government, without the check of an Executive Council".

Mr. Foot: What document is that?

Sir Ghulam Hussain Hidayatullah: This is the representation made by the leader of the Hindu community to the late Mr. Montagu, when Mr. Montagu came to Bombay in 1917.

Mr. Foot: Is the book from which you have read that available?

Sir Ghulam Hussain Hidayatullah: No, but that representation can be obtained from the Government of Bombay, and nobody can deny it.

Now, Sir, that position still obtains in spite of the Montagu-Chelmsford Reforms and although we have dyarchy with Ministers and Members. Certain powers have been delegated to the Commissioner, but so far as the powers that have not been delegated to him are concerned, the various Commissioners from time to time have bitterly complained of inordinate delay in the disposal of matters by the Government of Bombay. I should like to quote to you part of a speech by one of the Commissioners who retired only four or five years ago from Sind, and who is here and whom the sub-Committee can examine. He says "The work is more and more being done through a Government which, however friendly, is situated several hundred miles away, and correspondence on education, engineering and other subjects takes a very long time before it is finally disposed of". In fact, the Government of Bombay and their officers have condemned themselves by their admissions that they cannot govern Sind from such a distance. You have the Act still in force and you have the complaint of the Commissioners in Sind that in regard to matters where no delegation of powers has been made there is inordinate delay. Are these administrative reasons in favour of separation or against it?

It is said that Sind will be a small province and will be deprived of the expert advice of specialist officers and the heads of departments, a plethora of which have been employed. I have to do my duty, though it is unpleasant. It will be said that we will not be able to afford to employ a consulting architect. Now, Sir, in the first place is Sind going to have a very big programme of building? What has Bombay done up to this time? Only recently, after all this agitation, they have given us a Chief Courts building worth 25 lakhs of rupees; otherwise the other buildings come to fifty thousand rupees or a lakh. Are we to employ a consulting architect for these smaller buildings? I will go without his expert advice. We have two Chief Engineers in Sind, and if they cannot design ordinary buildings costing two lakhs they are not worth the salary that they are getting. However, to reply to the argument of my Government I submit that there are any number of private architects in Karachi, and when we have plenty of money and want to build fine buildings we will get a private man to do the work of designing them, instead of burdening ourselves with a recurring expenditure of several thousand rupees every month. That disposes of one of their specialists.

Then comes the consulting surveyor, who deals with town planning. Under the Town Planning Act the initiative comes from the local bodies, what would be called County Councils here. They want to introduce schemes, but I know what their resources are in my part of the country as well as in the whole Presidency; their resources are depleted and they cannot introduce any system of town planning at the present time. We have an Assistant Consulting Surveyor in Sind, but the Bombay Government says an Assistant Consulting Surveyor is not sufficient to advise us, and that we must have the advice of the Consulting Surveyor of Bombay. If that is the case, what is the good of employing an Assistant Consulting Surveyor in Sind? What is the good of employing such a man if he is not going to be competent to draw up a town planning scheme? Moreover, only two years ago the present Consulting Surveyor was my Assistant Consulting Surveyor in Karachi. Why should we need the services of the Consulting Surveyor of Bombay? It is an unnecessary financial burden. Let us suppose, to take an extreme case, that our local bodies have plenty of money and introduce a scheme. To satisfy the Government of Bombay about that scheme we can borrow the services of their Consulting Surveyor. I have been in charge of these departments for nine years, and I know we have been lending the services of these people on payment to the Indian States, leaving aside the other provinces. I can therefore meet their objection in that way, if the local bodies have plenty of money and it is thought that the advice of the Assistant Consulting Surveyor is not enough. That disposes of the second specialist officer.

The third is the Sanitary Engineer, dealing with sanitary schemes, waterworks and drainage. The policy of the Government of Bombay up to this time has been to assist the Bombay Corporation and the Karachi Municipality up to fifty per cent. of the cost of these schemes. You know how depleted are the resources of the Bombay Government itself. We have a deficit budget of one and a half crores this year. The resources of the local bodies are also depleted, and how can they launch waterworks and drainage schemes when they are without money? Even supposing they do so thereafter, we can ask for the services of the specialist of the Bombay Government on payment to design a scheme for us, and we have competent engineers working under the local bodies to execute such schemes, as is done all over the country.

Similar remarks apply to the other specialist officers. We come now to the heads of departments. Take the Revenue Department. You have the Commissioner in Sind, which is a prize post for the Revenue Department, with a Government house and so on, so that so far as the Revenue Department is concerned there will be no necessity for the advice of the Bombay head of the department. Then we have the Judicial Commissioner. Our Chief Court is self-contained in judicial matters, and is independent even of the High Court of Bombay, so that in revenue and judicial matters we do not stand in need of any advice. The Members will disappear now; there will be only Ministers.

Then comes the Engineering Department. There is a self-contained Engineering Department in Sind already, and we have two Chief Engineers in Sind, one dealing with ordinary irrigation and the other with the Sukkur Barrage. Yet it is said we should go for advice to Bombay! I cannot understand it.

Then comes the Inspector General of Police. In the last ten years, how many times has the Inspector General of Police of Bombay visited Sind? I do not think more than twice, and perhaps only once. Yet we are bearing a portion of his cost. We have a Deputy Inspector General of Police there, an officer who has between 15 and 20 years' service. If he is not competent to give us advice in regard to our police matters, then I am afraid he is not worth the salary of £2,000 or £1,800 that he gets. Why should we have an Inspector General of Police, and do these heads of

Departments go very often to Sind? Then I come to the Chief Conservator. We have a Conservator in Sind already, though there are no forests worth the name. If I had my way I would abolish that post altogether. There are no forests in Sind, and yet there is a Conservator and there are rangers of the forests, and I think on the top of it we ought to have the advice of the Chief Conservator of Forests. When did Bombay have that advice of the Chief Conservator of Forests? That post has come into existence. Once it came into existence and it was abolished. Again it has come into existence. I am afraid it is going to be abolished very soon. These are the administrative difficulties. Then, Sir, I come to the Director of Public Instruction. How many times have they visited Sind, and how many days are they in Sind to advise us? Yet we bear the cost of their establishment and their travelling allowances. Does he know Sindhi? Even some of my Inspectors of Education do not know Sindhi, the language of the place, though most of the Civilians are required to pass the examination. We have Inspectors of Education there who do not know the language.

Mr. Jadhav: That is the case with all the Government Inspectors.

Sir G. H. Hidayatullah: The higher education, the curricula, everything is determined by the university. I do not know what advice the Director of Public Instruction will come and give me, but without which Sind will not be governed properly. In the first place, he does not know the language of the place, he does not know the customs and manners of the people. We have at present a Director of Public Instruction imported from some other Presidency. They will excuse me for saying that we give them good hospitality and good shooting in the winter when they come round there.

Mr. Jinnah: That is why they come there.

Mr. Jadhav: They can collect objects of art.

Sir G. H. Hidayatullah: And my friend will know that you have appointed a Director of Agriculture, or he is being appointed.

Mr. Jadhav: A Chief Officer of Agriculture.

Sir G. H. Hidayatullah: So I do not know why Sind should not be separated. We have two Chief Engineers, a High Court, we have a Commissioner with a Government House; no other Commissioner has a Government House; in fact, we have all the important directors, heads, chief agricultural officer, and so on. I do not know what the administrative difficulties are; I cannot understand the administrative difficulties at all. The administrative difficulties are more in continuing with Bombay rather than in separation, as the Government of Bombay have themselves admitted in regard to the separation of Sind.

Then, Sir, another argument is that there will be a smaller cadre, and people will not like to serve in Sind; but the argument is not sound. There are others that have at present seven districts. If this separation takes place after two or three months Sind will sanction the money for everything; and, mind, when the Sukkur Barrage comes into operation . . . .

Sir Abdul Qaiyum: There is the Delhi Province, of course.

Sir G. H. Hidayatullah: Yes, I had forgotten that.

Sir Muhammad Shafi: Consisting of a city and a town and a police station!

Sir G. H. Hidayatullah: Now, take the I.C.S. cadre. They can rise to the prize posts in Sind. Memberships are going now. Nobody will be appointed as a Member from the I.C.S. after the further reforms, so they can rise to the highest posts of Commissioner in the I.C.S., and they can become, if they join the Judicial Department, Judges of the Chief Court or of the Judicial Commissioner's Court, and there are three civilians. Is that not sufficient inducement for them to go to Sind, when there are four prize posts for them? In the Engineering Department they can rise to be Chief Engineers. Then, Sir, as regards the Police, they can become D.I.Gs. After all, there is only one I.G's. post in the Presidency. All young men who enter into the Police Department have not retired as I.Gs. Most of them have retired not even D.I.Gs. Besides, there is an attraction in Sind. You may ask those gentlemen who have served in Sind. They do not like to leave it. There is a special Sind allowance for them, and there is the hospitality that we show them.

Sir Muhammad Shafi: When Sind becomes a Province in itself the D.I.G. will cease to be a D.I.G.; he will become an I.G.

Sir G. H. Hidayatullah: So the objection about a small cadre does not hold good. Now I come to the Simon Commission's objection. They merely express their sympathy with us: "We have great sympathy with the claim, but there are grave administrative objections to isolating Sind and depriving it of the powerful backing of Bombay before the future of the Sukkur Barrage is assured and the major readjustments which it will entail have been effected."

Now, I have dealt with the administrative objections that appeared to the seven Simon Commissioners. To me it appears, and to every reasonable man it will appear, that the administrative difficulties are with the continuance with Bombay rather than against it.

Now I come to some instances of the "powerful backing of Bombay" in Sind. My friends from Bombay will excuse me. I have been reading that in all civilised countries the prosperity of the country depends on its communications. You will be surprised to hear that there are not more than a hundred miles of Government Provincial roads in Sind, and not more than 30 miles of pukka roads on which you can run a motor-car. This is the "powerful backing of Bombay" that we have got up to this stage, Sir. If any civilised country does not have good communications, how can there be prosperity in a country? That is one example of the "strong backing".

Chairman: Are not they just giving you a broad gauge railway?

Sir G. H. Hidayatullah: Only now we are getting a small gauge one. A friend of mine here once had a motor ride in Sind, and he might have mentioned his experience of the jolting he got.

Mr. Jinnah: Only a few months ago I had an experience there. I rode 35 miles in a car.

Sir G. H. Hidayatullah: So this is the "powerful backing" as regards communications. Now, with regard to education, in two other divisions of the Bombay Presidency and the city of Bombay they have Government colleges of all kinds, engineering, medical and others. Poor Sind has not got one Government college. Now, as regards primary education, my friend the President of one of the District Local Boards will tell you that we poor people, in order to educate ourselves, have increased our local rate from 1 anna to 2 annas to introduce compulsory education, and the poor Bombay Government says we have no money to contribute our share so that you will be able to introduce compulsory education within your radius. This is another instance of the "powerful backing of Bombay". A third example is medical relief. You can call for the figures and find out how many thousands—not lakhs—are spent in Sind on Medical relief. This is the "powerful backing of Bombay".

Now I come to the Sukkur barrage. I had the honour to be in charge, and it is the only legacy we have got from them. As to the Sukkur barrage, no doubt we have borrowed this money on the credit of the Government of Bombay from the Government of India. The scheme was prepared by the experts of the Bombay Government. It was sanctioned and carefully scrutinised by the Government of Bombay. There was a great deal of controversy, even in England, about the scheme. After being convinced, the Secretary of State sanctioned the scheme, and they assured us poor Sindhis, "that is a productive scheme". If it is a productive scheme, as they say, and as they have laid down certain estimates, what fear is there of the loan? We will pay it.

Chairman: Well, but it is conceivable that, at present commodity prices, it may not be very productive.

Sir G. H. Hidayatullah: Then how is Bombay going to pay you a deficit of a crore and a half? That is my reply. But these prices will not continue for ever.

Chairman: I hope not.

Sir G. H. Hidayatullah: If they continue for ever, then Bombay cannot pay, with the heavy loans that they have incurred already—that I will deal with later on—and a deficit budget of a crore and a half. I do not think the depression is continuing for ever. There will be hopeful signs. So as regards the debt of the Sukkur barrage, it is to be paid. In the estimates they are doubling the assessment.

Chairman: Do you mean that Sind will be prepared to take over the whole burden?

Sir G. H. Hidayatullah: Yes, I understand so. That is so is it not?

Sir S. N. Bhutto: I will speak later.

Mr. Jinnah: I do not think Bombay would give up the advantage. You see, under the scheme Bombay having guaranteed the loan, as I understand it, Bombay stands to gain if things go on well.

Chairman: If the thing goes right, Bombay looks to taking the profits, you mean?

Mr. Jinnah: Yes. Therefore I do not think you will get Bombay easily to say, "We will give up the prospects", having guaranteed the loan. You see what I mean?

Chairman: Yes.

Mr. Jinnah: But that is a matter of adjustment.

Chairman: Yes. I should have thought that cut both ways, because if Bombay is prepared to do that, they will have to bear the burden whether Sind is separated or not, will they not?

Mr. Jinnah: Yes, so far as the Sukkur barrage is concerned.

Chairman: Yes; I mean, they cannot have it both ways so far as the Sukkur Barrage is concerned.

Mr. Jinnah: Yes, subject to adjustment, that may be right.

Sir G. H. Hidayatullah: Then, Sir, the Simon Commission says, "There are grave administrative objections to isolating Sind and depriving it of the powerful backing of Bombay before the future of the Sukkur Barrage is assured." I cannot understand the language—whether the Sukkur Barrage is technically to be a success, or financially, or how. Technically I can tell you that it will operate in 1932, January; so the future of the Sukkur Barrage is assured as an engineering scheme.

Sir Muhammad Shafi: It is practically complete.

Chairman: Yes, what you might call the engineering part of it is complete.

Sir G. H. Hidayatullah: Yes; so there is no fear of the future of the barrage or anything now. Now, Sir, I will put to you one argument. They say financially we are a deficit Province. Yet why do they want Sind when they have their own financial difficulties—the Bombay Government? I cannot understand that. I have failed to understand that up to this time.

Chairman: Just keep for one moment to the barrage, you remember that the first volume of the Simon Report said that a considerable further outlay would be required.

Sir G. H. Hidayatullah: That is for the development of roads and railways.

Chairman: I thought it was for canals.

Sir G. H. Hidayatullah: The barrage we are completing within 20 crores. That is for the further development.

Sir S. N. Bhutto: That is only a pious hope, Sir. Where is the Bombay Government going to find the money?

Sir G. H. Hidayatullah: Now, Sir, how has Sind been made a deficit Province? I had the honour of leading a deputation on behalf of the Sind Muhammadan Committee to the late Mr. Montagu in December, 1917, and we there pressed the question of the separation of Sind. We had sent an estimate ahead. It was very carefully scrutinized by the Government of Bombay and its financial advisers, and what has the late Mr. Montagu written in his diary? That Sind pays more than what it gets.

Mr. Foot: Is this an exhibit in the case, this book?

Sir G. H. Hidayatullah: I am giving it as an exhibit. It is undoubtedly true that Sind gives more funds to Bombay than Bombay gives to Sind. That is an authoritative announcement by a responsible officer, the Secretary of State. Now, it will be a mystery to you all as to how it became in 1922 a deficit Province, and I am going to help you in solving that mystery.

Now, Sir, after 1917 there was a good deal of agitation in Sind that Sind pays more than what it gets, and all communities, Hindus, Muhammadans, Europeans, Parsis, everybody joined and made representations to the Government of Bombay—that is to say that if they were not properly dealt with they would ask for a separation; and actually in 1922, if I rightly remember the year, a deputation consisting of Parsis, Europeans, Muhammadans and Hindus waited on the Governor of Bombay, and to the surprise of those gentlemen, members of the deputation were told for the first time in their lives, "You are a deficit Province," and these were the figures quoted. In 1922 revenue was 1 crore 95 lakhs and expenditure, 2 crores 9 lakhs. This was the first time we had heard this news. As I have told you, Sir, since 1918 there was a good deal of agitation in Sind. Therefore the Government of Bombay tried to spend some money on Civil work. Up to 1922 they built a few roads and spent 10 or 15 lakhs of rupees on those.

Then they entered into a bargain with the Military authorities as to the purchase of Artillery Maidan, which is a very large area in the city of Karachi. In lieu of getting that area, the Government of Bombay built barracks for them in Quetta; they perhaps spent about 30 lakhs there for them. Then, Sir, there were a few buildings, the Chief Court and other buildings, during this interval, and a few lakhs

have been spent on irrigation. Perhaps since 1918 up to this day, if I rightly remember, a capital expenditure of about 1½ or 2 crores has been incurred by the Government of Bombay. Now, Sir, in the old times this was our method of budgeting. I remember it with regard to the Karachi Courts over which we have spent 25 lakhs. Before plans and estimates were ready, 10 lakhs were provided in the Budget, and they lapsed at the end of the year; but, all the same, in the Budget it appeared as 10 lakhs for Sind Civil Courts. Similarly with regard to civil works of the Public Works Department there have been large lapses, but, all the same, the money is shown there as having been spent on Sind. Now they will include all these monies when they say what they have spent on the civil works, on the purchase of the Artillery Maidan, on building the Chief Court. No doubt if you include these capital expenses in it, it becomes a deficit budget. But no new district has been opened since 1918, and we paid more in 1922 and yet ours became a deficit budget. That is because of the inclusion of the capital expenditure.

Now what are the assets against it? Mr. Martin will bear me out when I say we have been told with regard to the Artillery Maidan that it is a fine bargain; it is a land for which we have paid 25 or 30 lakhs of rupees, and it is worth more than a crore or a crore and a half. So that we can set off that crore and a half, and there will be no deficit at all. But, Sir, take the old building of the Chief Court. Now the new Chief Court over which we have spent 25 or 30 lakhs has been built on government land which we had acquired from the military; that is a portion of the Artillery Maidan; but the old Chief Court building is in a very busy place which my friend must have seen; if we sell it it will fetch say some 15 or 20 lakhs. So we have an asset to set against this two or one and a half crores of rupees that has been put against us.

Sir, I can make any budget a deficit budget if you make me the Finance Member for two months.

Chairman: We can do that in this country.

Mr. Foot: We can do it in this country without any difficulty.

Sir G. Hussain Hidayatullah: Now, Sir, another method which has been adopted is this. We are burdened with what are called the Supervision Charges. There are the Governor's salary, his allowances, and some other hospitality allowances. Few of us have had the honour of sharing his hospitality because we are at a long distance. Some of the critics have been debiting us with one-third, and others with a quarter, of those Supervision Charges. Then there is the Secretariat and the expenses of the Secretariat. There is a plethora of special officers and Heads of Departments. All their charges come to many lakhs, and they debit us with a quarter. One of the critics says: " No, Sind should pay one-third, not even one quarter." The expenditure is 16 crores, and on poor Sind only two crores are spent. Yet, though there has been no supervision over Sind, as I told you, they debit us with one-third or one quarter of the Supervision Charges. In fairness the Supervision Charges put against us ought to be one eighth, because they spend 16 crores on the Presidency proper and two crores on us; but they burden us with Supervision Charges to the extent of one-third or one quarter, and so they make a deficit.

Chairman: Just while you are on that, if Sind were separated, what would you suggest that your government should be:—a Governor and two Ministers?

Sir G. Hussain Hidayatullah: No, I would make it three Ministers. I can make it two Governors and three Ministers out of the Supervision Charges.

Chairman: Then you would certainly be a popular Province.

Sir G. Hussain Hidayatullah: I would have three Ministers. I will deal with this later on: in Sind you cannot get on unless our Hindu friends form a Ministry there. We will have three Ministers. If, Sir, you take the total of these Supervision Charges, it comes to many lakhs. Now some of the critics try to burden us with the interest charges on the loans of the Government of Bombay which have not been contracted for the benefit of Sind, but have been sunk in the Back Bay, others on unproductive Deccan Irrigation and some other parts. They say: " you must pay one-third or one quarter of the interest." Now, Sir, I am sorry I was sent away here at very short notice; otherwise I would have brought all the figures and shown you. I do not remember; Mr. Mody might correct me; is it 18 crores Back Bay and the Suburban, or 20 crores?

Mr. Mody: 22, I think.

Sir G. Hussain Hidayatullah: Yes; I am near it. I am speaking from memory. Now 22 crores sunk there are assessable to Bombay, but the critics say Sind must pay a portion. About 18 or 20 crores have been paid by the Bombay Government on unproductive irrigation in the Deccan, and they say we must pay. They want to make it a deficit budget. The brush is in their hands and they can draw any picture they like.

Then there is the boast of the Government of Bombay; every Finance Member from time to time has been telling the whole world that the Bombay Government's assets in the shape of roads or buildings are 60 to 70 crores of rupees. Now, Sir, we have only got 20 or 25 lakhs' worth of roads in Sind; the rest are all in the Bombay Presidency, as are also the buildings. There are only two or three buildings of which we can boast, of which the Chief Court is one, on which they have spent 25 lakhs. I do not think the whole property of the Government of Sind or of the buildings would be worth more than 1½ or 2 crores of rupees, and that is a very liberal estimate. That means that these 60 of 70 crores of rupees are these assets only in the shape of roads and buildings with the Government of Bombay; that money they have spent in the Presidency proper and in the city of Bombay; and yet they ask us to pay interest on all those things. The mere repair of these assets of the Government of Bombay costs them nearly a crore of rupees. 66 lakhs they spend on the repairs; and then the establishment is about 34 lakhs on some things. I can challenge anybody that not more than 4 or 5 lakhs has been for Sind. The critics say: Pay all; you are a partner; all the debts of the Bombay Presidency should be pooled together; pay one-third or a quarter. Thereby they make ours a deficit budget. My reply to them is: Then share all the assets with us. If they share the assets with us, according to their own admission, roads and buildings, the Back Bay lands, and several interests of the Bombay Government, I think we shall come off very well. They spend only 2 crores here and yet they want us to pay to the extent of a quarter or a third interest on the money which has been sunk in the Bombay Presidency. Is that fair? Well, if that is so, let us then pool all the debts of Bombay, including the Sukkur Barrage. Let us bear only one-eighth, because they spend only 2 crores on us, and seven-eighths should be borne by Bombay. And let us share the assets. So, Sir, it is that the critics are trying to make us a deficit Province.

Mr. Jadhav: Does this 2 crores include the expenditure on the Sukkur Barrage?

Sir G. Hussain Hidayatullah: No, excluding that.

Mr. Jadhav: And 16 crores includes all these debts?

Sir G. Hussain Hidayatullah: No, that is not so, that is recurring expenditure.

Mr. Judhav: I think including capital.

Sir G. Hussain Hidayatullah: No, no. I am not talking of the Sukkur Barrage; that is not included. Now, Sir, I come to the position of my Hindu friends. I have a very large number of Hindu friends—very dear friends. To my mind their apprehensions are groundless. They are the brains of my Province. They are highly educated. There is one community, the Amil community, of 25,000 souls, men, women and children, almost every one of them educated. I am proud of them; I have learnt very much from them by staying with them and by my long association with them in Hyderabad City. They have produced more lawyers and graduates in proportion to their population than any other country in the world. For instance, one family has 4 civilians, the rest of them being engineers, doctors and lawyers. Sir, in no country is it numbers that rule; it is brains that rule. My Amil friends always boast that when we had the Muhammadan rule, even then they were our ministers and were high officials. That shows, Sir, that the Sindhi Muhammadans have been treating them very well. No Amil will dare to deny that they were ministers in the days of the Muhammadans, and that they then occupied high social positions. Their only fear, as Government servants, is for their monopoly; they think that as the Muhammadans are in a majority, in democratic institutions, the Muhammadans might oust them. But they must remember we are going to appoint a Public Service Commission, so that there will be no favouritism. I am proud of myself in this respect because I have been 10 years in the Government of Bombay, and I challenge any Hindu to say I had shown favouritism to any Muhammadan in preference to a Hindu. On the contrary, if anything, I have done much more for the Hindus than for the Muhammadans. My Hindu friends in Sind know that to be the fact.

Now, Sir, they are afraid for their vested interests, and I might say something very unpleasant. Ours is an official-ridden country. My friend, if he holds some land, knows it. It is not only the influence which the officials enjoy but also—I will not call it the corruption but perquisites. I will select a good name that carries izzat. My friend is a zemindar and he must know it. I know it and my friend knows it because he is a zemindar. There are officials in Karachi who draw a salary of two pounds a month; that is 26 or 30 rupees; but you will find that his sons are educated in England; he will have a son in England and two or three sons at the Colleges. He will have a nice red brick house. So, Sir, it is their vested interests for which they are afraid; they fear democracy in that respect.

Mr. Jadhav: Is Sind an exception to the rule?

Sardar Sampuran Singh: It is an exception, yes.

Sir G. Hussain Hidayatullah: It is an exception. I pay this money, being a member of the Government of Bombay. I am now letting out a secret. My agent, without my notice, pays away this money; otherwise a thousand and one difficulties will be created in my way. One might ask why has Government Service such a charm? It is not only the emoluments and the influence, but there is a third thing which I have just now mentioned. I say they are afraid for that. They are only looking at it from one point of view. They are not thinking of the material development of Sind, with which I will deal later on.

Then, Sir, our Hindu friends are not a meagre minority there; they are more than 25 per cent., and they are a great economic fact in the life of every Sindhi. I do not know, my friend may be free, but otherwise almost every Muhammadan is indebted to them.

Sir S. N. Bhutto: They manage our affairs; they manage the affairs of almost every Muslim zemindar.

Sir G. Hussain Hidayatullah: I am speaking with all responsibility when I say the first man who is consulted by a Muhammadan is a Hindu lawyer or a Hindu official rather than a Muhammadan. The Hindus are not a meagre minority; they are the brains; they are highly educated; they can hold their own against the white Brahmin of the Deccan. I have consulted some of my officials; they say: Your Amil is more astute even than the white Brahmin of the Deccan; he is cleverer; he is more decent; he dresses well and lives well. I am proud of him, Sir. So, there is education. He is in numbers 25 per cent., and he owns to-day 40 per cent. of the land in Sind. As I told you, Sir, 30 per cent. is already mortgaged with him, so that we, the majority, have only 30 per cent. So that he is not a meagre minority; he is a very rich man; he is an economic factor. In fact, we follow his advice. His fears are groundless. I think the late development of these communal views have spoilt them. They it was who were originally for the separation of Sind, and not we Muhammadans.

Now, Sir, I come to the potentialities of the City of Karachi and the Port of Karachi. There is a great future for both, but so long as the Port of Karachi is under Bombay I am sorry to say it must take up a subordinate position to the Port of Bombay. Bombay cannot develop both the ports. There is rivalry between the two. We have now at present the Air Service direct to Karachi; the English mail from Aden can come to Karachi 48 hours before it reaches Bombay, and yet it goes first to Bombay because we are under the Government of Bombay.

Then, Sir, if Sind is separated we can press for a fast mail from Karachi to Delhi and capture all the trade of central India. With the developments in the Punjab in the way of irrigation and so on, and with the Sukkur Barrage scheme, I am sure that if Sind is separated Karachi will become *the* exporting and importing port of India, and I am afraid that then Bombay will lose most of the middlemen's profits. I think that is also one of the considerations.

Sir M. Shafi: That is why Bombay says Sind should not be separated.

Chairman: May I interrupt for a moment? Did not the Karachi Chamber of Commerce say that Karachi had not suffered from association with Bombay?

Sir G. Hussain Hidayatullah: They say that now, but in 1922 they were the first to cry for it. The Chamber of Commerce take that view because their main offices are in Bombay; there are only branches in Karachi. Other Chambers take a different view. Mr. J. Mehta is Chairman of the Chamber of Buyers and Shippers, and he is in favour of the separation of Sind. Most of these people have only branch offices in Karachi; their main offices are in Bombay, and so it does not affect them at all.

Mr. Jinnah: They will soon establish their main offices in Karachi.

Sir G. Hussain Hidayatullah: But that will take them some time.

Sir M. Shafi: Mr. Jinnah means, when Sind is separated. Then they will have more independent offices in Karachi and be grateful for the separation of Sind.

Chairman: It was Mr. Graham, the President of the Chamber, who said his information was that Karachi had not suffered by reason of its association with Bombay.

Sir G. Hussain Hidayatullah: But why should we consider individual opinions? It is natural. Now we are subordinate to Bombay, and would Bombay like Karachi to develop and become a rival to the port of Bombay?

Mr. Jinnah: They are rival interests.

Sir G. Hussain Hidayatullah: Yes, they are rival interests. Now, Sir, I have one more point, and then I have finished. Bombay has got very heavy debts to pay. It has a deficit budget of 1½ crores this year. Why should we have another deficit province added to Bombay? If Sind is a deficit province and is of no benefit to Bombay, why should Bombay want to have it? I cannot understand it; the sooner they get rid of it, the better it will be for them. Instead of opposing separation, they should welcome it. We are ready to submit to all the financial adjustments which may be necessary, provided we have men of our own choice, or at least one man who understands finance. It is generally said that we Muhammadans have no head for mathematics and finance, but the few that have should be on the Committee dealing with the matter.

With these remarks I have done.

Lord Zetland: You have made out a very good case.

Dr. Moonje: I now understand that the separation of Sind is being considered as a part of the minority problem.

Chairman: No.

Dr. Moonje: That question was raised in the Minorities sub-Committee, and the Minorities sub-Committee sent instructions to the Business Committee . . . .

Sir S. N. Bhutto: In the statement I put in I said that this demand should be considered as a demand of the Sindhis, and not as a communal question. When this question was taken up by the Muslim League, in my public speech at Hyderabad, presiding over ten thousand people, I protested and said it was not fair to us at all. It is we Sindhis who want this question considered, and we want it considered on its own merits. It is a demand of the Sindhis, including Hindus, Muhammadans, Parsees and Europeans—everybody. I therefore protested to the Prime Minister that this ought not to be considered as one of the demands made by the Muhammadans, because it is not a minority demand; it is a demand made by the Sindhis.

Dr. Moonje: Did not you raise the point in the Minorities sub-Committee?

Chairman: This sub-Committee had better consider the question now on its merits.

Dr. Moonje: I agree. I do not want to go into that matter in this sub-Committee. This subject is being considered by the Minorities sub-Committee.

Chairman: It must be considered here on its merits.

Mr. Chintamani: Is any reference to minorities in the terms of reference of this question to this sub-Committee?

Sir M. Shafi: None whatever.

Chairman: The terms of reference are "The question of constituting Sind as a separate province." I look at the matter from an administrative and financial point of view, and I think we will be wise if we keep to those aspects of the question.

Dr. Moonje: From that point of view I am under a handicap, because there is no one amongst the Hindus here who is thoroughly informed with regard to the details of the administration in Sind. In this connection I may say that as soon as the names of delegates to the Round Table Conference were announced by the Viceroy I sent a telegram to the Viceroy saying that very likely the question of Sind would be raised, and therefore it was necessary that, as members of the Muslim community had been appointed delegates to this Conference, a Hindu member acquainted with Sind should also be appointed, so that he might be able to deal with the details of the administration in that connection. I myself am not in a position to deal with the details that have been brought forward here, but I do know that as far as the details of administration are concerned there has been a difference of opinion amongst the several agencies which have considered this question.

For instance, the Government of India themselves feel that there is a difficulty about Sind being made a separate province in regard to its meeting its day to day expenditure. The same view has been taken by the Bombay Government and has also been endorsed by the Report of the Central Committee. There is a difference of opinion amongst the Hindus and Muhammadans with regard to the province being able to maintain its day to day administration from its own funds, and on that point the Government of India and the Bombay Government have said that the question requires fuller consideration from that point of view.

From the general point of view, therefore, I am opposed to the principle of creating provinces in India with a view to giving the majority to one community or another. If our object is to weld all India into one nation, I think we should discourage this principle of creating provinces in order to create majorities for one community or another community here and there. If Sind could be considered as a problem of the redistribution of the provinces in India from the administrative point of view, I should have absolutely no objection. A Boundaries Commission might be appointed, as suggested by the Government of India, and that Commission would deal with the question of the redistribution of the provinces, and in that way the question of Sind would also be considered; and whatever the recommendations of the Boundaries Commission might be they would be agreed to by all the parties concerned. But if Sind alone is to be picked out and the question of Sind alone considered, it assumes an aspect which has become communal, and up to now it has been put before all of us as a communal question.

Sir G. Hussain Hidayatullah: Not at all.

Dr. Moonje: It has been put before us as a question to be considered in the interest of the minority, and therefore I am opposed to the question being considered, on the principle that we cannot subscribe to the idea of creating provinces with the object of creating majorities for one community or another community. If it had been considered as a part of the larger subject of the general re-distribution of provinces I should have no objection, and I therefore propose that this question be disposed of by our recommending the appointment of a Boundaries Commission, which will consider the question of Sind just as it will consider the question of Orissa and the question of the demand of the Karnatak and several other demands of a similar nature.

Mr. Foot: Which was the last question you mentioned?

Dr. Moonje: There is an insistent demand that Orissa should be separated and there is also a demand from the Karnatak. That demand was very insistent in the Congress, but the Congress

has vetoed this Round Table Conference and therefore those people are not here. Mr. Jinnah will know how insistent was the demand in the Congress that the Karnatak should be formed into a separate province.

All these questions could be considered if we were to recommend the appointment of a Boundary Commission, which might consider the question of Karnatak and the questions of Orissa and Sind, together with any other such questions as might come up included in the question of the re-consideration of Provincial Boundaries. That Commission could enquire into the details and settle the question finally one way or another as to whether the province of Sind, if separated, could be self-supporting from the financial point of view, and whether it should be joined to some other provisos, or any other recommendations which the Commission might make from the point of view of administrative convenience.

My concrete proposal therefore is that this proposal should be disposed of by saying that a Boundaries Commission should be appointed to consider all these questions.

Chairman: I should like to remind the sub-Committee of what the Government of India says. In paragraph 21 of their Despatch they say:— "The two particular cases to which the Commission themselves give their attention are Orissa and Sind." Leaving out Orissa for a moment, they say, "The claim of Sind to be a self-contained unit has become increasingly prominent in recent years. The preponderance of the local population is Muslim, and their claim to separation from the Bombay Presidency has been ardently advocated. Neither on Orissa nor on Sind are we yet in a position to tender final advice." I do not think Orissa is a communal question?

Dr. Moonje: No.

Chairman: You see, they are treating them both alike. They go on "but we urge that enquiries be set on foot at the earliest possible date. We should not contemplate entrusting the task to a single Boundaries Commission. The two problems are not connected, and we would suggest investigation by two separate committees. We wish to emphasise the need for expedition in reaching conclusions on these two outstanding cases. . . . . We conceive that the Sind Committee will be concerned primarily with the administrative and financial aspects of separation, for the question is not one of boundaries." That is what the Government of India say about it, and I think that probably most of us in this sub-Committee would agree that, however good the arguments are that we hear about financial credit and being able to be self supporting, it would be impossible for us, with the information before us here, to come to any conclusion about that; that would obviously need enquiry by a special committee.

Sir Abdul Qaiyum: It is not a question, Sir, of separating Sind from Bombay, because it is already a separate unit. Its administration is separate and it has a separate existence as a unit, unlike the other tracts which have to be considered by the Boundaries Commission. A separate administration already exists in the country.

Chairman: It is the same sort of claim as that of Burma; that is to say, that it is geographically distinct from Bombay province and distinct in its language and its customs.

Mr. Jinnah: May I say a few words? I quite agree with the observations which have just fallen from you, Sir, when you were reading the Despatch of the Government of India, namely that some competent authority will have to make the financial adjustments. To that extent I entirely agree with you.

Chairman: Or even to consider whether it is possible for the province to be self-supporting?

Mr. Jinnah: No, Sir, if you will allow me to say so. The position is this. Let us take one proposition after another. The first proposition is that Sind has an administration which, generally speaking, is quite separate from that of Bombay.

Chairman: Largely separate.

Mr. Jinnah: For all practical purposes it is separate except in this, that they send their representatives to the Bombay Legislature, and perhaps once in a blue moon some question crops up with regard to Sind which is discussed or debated in the Legislature—some matter of general importance. But for all practical purposes Sind is separately administered, as has been pointed out by Sir Ghulam Hussain Hidayatullah, who himself was a Minister for many years and who now holds the portfolio of an Executive Member of the Government of Bombay. Sind is also completely independent—I do not say practically independent but completely independent—so far as judicial administration is concerned. It has got a Chief Court, and the Judicial Commissioner's Court is the highest Tribunal, the appeal from there lying to the Privy Council direct.

Chairman: I agree; I think it is a very striking fact that it is not under the Bombay High Court.

Mr. Jinnah: Therefore those two propositions stand out very clearly before us. The only question is whether after the separation has been effected, and after the financial adjustments have been determined, Sind will be self-supporting. That is the question on which I should like to say a few words.

Now, Sir Ghulam has pointed out to you how it is that Sind has been shown as a deficit province. Some of us know a good deal about the history of it and are fairly well acquanted with it, and we have clearly shown you how these figures can be manipulated and have been manipulated. I do not say it has been done dishonestly, but for various reasons certain adjustments have been arrived at which are manifestly unfavourable to Sind—manifestly unfavourable. That being so, on paper Sind is shown as a deficit province, but in fact Sind is not a deficit province. If I may speak for a moment on behalf of Bombay, if Sind is permanently a deficit province may I know why the Government of India should bless us with that province for ever? I think the turn of somebody else might come now. We have borne this for a long time if it is true. It is not true; I do not believe it; but if it is true, why have you chosen Bombay to bear this burden in perpetuity? I think it is high time somebody else should relieve Bombay of this white elephant.

But it is not so, and I want this sub-Committee to realise that. I therefore desire to propose a formula for this sub-Committee, and this formula has been discussed at very great length by some of the foremost men in our country. Even the Nehru Report, which considered the question of Sind very carefully, recommended that Sind ought to be separated. I can say this speaking with a knowledge of the Indian National Congress extending over many years. I do not see eye to eye with the Congress now, and I have ceased to see eye to eye with the Congress since 1919, but before that I was a very active member of that great body, and I can tell you from my own knowledge what their view is; and I would refer you particularly to the statement of the late Mr. Harchandrai, which was quoted by Sir Ghulam. Mr. Harchandrai was a most prominent Hindu leader in Sind for very many years, and he was a prominent Congressman, and he really was a very able leader. As far as I remember the Hindus of Sind were the first

to see the urgency of this question. They felt that Sind was nothing but a Cinderella of the Bombay Presidency, and they protested against the position of a Cinderella which Sind occupied. She was only brought in for a moment when it was necessary and was then dismissed from the picture of the Bombay Presidency.

He protested against that over and over again in resolutions passed by the Indian National Congress urging upon the Government to separate Sind.

Mr. Chintamani: Where?

Mr. Jinnah: In the National Congress.

Mr. Chintamani: A resolution on Sind?

Sir S. N. Bhutto: Yes, at Karachi in 1913.

Mr. Jinnah: I am speaking of the time of Mr. Harchandrai Vishandas, when Mr. Harchandrai Vishandas moved the resolution at Karachi. But I was going to point out something more than that, that for the purpose of the constitution of the Indian National Congress the representatives of Sind insisted that in our constitution Sind should be treated as an independent and separate province and not as a part of the Bombay Presidency; and if you will look at the constitution of the National Congress you will find that Sind is treated as a separate province.

Mr. Chintamani: But the Congress recognised provinces on a linguistic basis, and therefore they recognised various places separately.

Mr. Jinnah: No, I beg your pardon, if you will allow me. For the purpose of voting, the number of representatives who are allowed to vote on education, Bombay Presidency was taken as one and Sind as another item for the purpose of voting.

Dr. Moonje: When was that, Mr. Jinnah?

Mr. Jinnah: That was many years ago.

Dr. Moonje: I shall require to be reminded of that.

Mr. Jinnah: I know, because you know nothing about Sind. You said that yourself.

Dr. Moonje: I said I knew nothing about the details. The Congress is a matter with which I am quite familiar.

Mr. Jinnah: You may take it from me Dr. Moonje, that the statement I am making is quite correct, and if you like I can easily verify it. I think your own office, Sir, probably has a copy of the old constitution of Congress, and if you will ask the office to enquire into it you will find that my statement is perfectly correct, that Sind was treated as separate from Bombay Presidency in the Indian National Congress Constitution. But, of course, that is not the last word on the subject; it is only a matter of argument. Therefore I would definitely propose this formula, that Sind should be separated from the Bombay Presidency, and a Committee should be set up to give effect to the separation of Sind as a separate Province simultaneously with the coming into force of a new constitution. Sind, after such separation, shall bear its own administrative expenditure; that is, after it is separated. The Sind Committee shall also determine what financial and administrative adjustments are necessary and equitable consequent on such separation. Therefore the Committee will have to decide this, the question of financial adjustments, including, of course, the question of the financial burden arising out of the Sukkur Barrage scheme. Once that adjustment is determined by a Committee, on equitable lines both to Sind and to the Bombay Presidency—because although I am strongly supporting the separation of Sind I am not forgetting the interests of Bombay also, and therefore the adjustment must be on an equitable basis—subject to that, when Sind is separated, then it must bear its own expenditure on administration. I do not want to take up the time of the sub-Committee any more, but Sir Ghulam has, I think, satisfied any reasonable man that if Sind is separated and if Sind is allowed to conduct its own administration it will not be a deficit Province, but will more than meet all its administrative expenditure in the future. That is all I have to say.

Chairman: Would you mind dealing, Mr. Jinnah, with the difficulty that rather oppresses my own mind. We have the rather important authority of the Simon Commission against separation, chiefly on financial grounds, and we have the very strong expression of opinion from the Bombay Government that it must be a deficit Province of about 60 lakhs. Now, is it not rather difficult for us here, merely on a statement, however reasonable it sounded—and it sounded very reasonable—that Sir Ghulam Hussain has just made, to turn that down completely and say we do not believe it and are satisfied that the Province need not be a deficit Province; and if we are not satisfied that it is not going to be a deficit Province, is it reasonable that we should put that burden of 60 lakhs on the Central Government of India? That is the difficulty. You appreciate that, I am sure.

Mr. Jinnah: I quite see your point, Sir. To that I have given my answer already. I said that there is not sufficient data given really. When you examine the figures of the Bombay Government you will find that they will not stand, and that is the data. After all, what is the data. It is all very well to say that Sind will be a deficit Province to the extent of 60 lakhs. The answer to that is, why do you say that? That is the next question, and if you examine the data—well, it disappears. What more do you want, what further commission do you want. My answer is that; but I go a little further. If I cannot convince you, and if you still say, "Well, somebody says it is going to be a deficit Province notwithstanding all these figures which are before us, notwithstanding all these facts that are before us, because somebody has said it will be a deficit Province, therefore I cannot make up my mind"—well, then, I cannot carry it any further, except this—

Chairman: I do not say it is going to be a deficit Province, but you and I, I think, probably both have sufficient experience of discussion about figures to know that it is very difficult to know what the real result will be until something like a financial committee, with financial understanding and a lot of details, gets to grips with the thing. It is very difficult to make up your mind on general statements, one side or the other, on a question of figures.

Mr. Jinnah: At present I am not satisfied—I frankly say this—I am really not satisfied with any data of any reliable character which will make me say that it will be a deficit Province after it is separated. I am not satisfied; on the contrary—I mean, this is my view—I am absolutely satisfied, from the knowledge that I have of these figures and the way in which they are put, and so on, that Sind will be self-supporting. This is my view.

Chairman: Yes. You know much more about it than I do; but am I justified in saying that I am prepared to sweep away these figures of the Bombay Government.

Mr. Jinnah: No, Sir, I do not say sweep them away; I say let us examine them. Surely, after all, if this sub-Committee is going to do any work of any importance you must apply your mind to it more definitely than that—merely saying that so and so says No, and we can do nothing.

Chairman: I am quite prepared to apply my mind to it, but have we got information here that will enable us to come to a conclusion?

Sir S. N. Bhutto: We have done our very best for the last 10 years continuously to get correct figures from the Bombay Government but we have failed to do so; we have not been able to get them. Whether there are any real difficulties in the way of the Bombay Government, or whether they have got no mind to supply us with exact and correct figures, I do not know; but it is very difficult for us non-officials to work out these separate figures without having access to Government records.

Mr. Chintamani: Then how did they arrive at the conclusion?

Mr. Jinnah: Unless you want to supplement what I have said, may I finish. I have not given the answer to your question yet. I want to complete my answer. I said, therefore, supposing I cannot persuade this sub-Committee to take the view I am taking, and supposing this point still stands out, that there may be a deficit of 50 or 60 lakhs—well, my answer to that would be that I would beg of this sub-Committee even to take that risk. "Very well, then," I say, speaking for Bombay, "please relieve us of the 60 lakhs of rupees, and let the Central Government bear it until such time as it may no longer be necessary."

Chairman: I am perfectly willing to apply my mind to it, but you and I, as lawyers, know that if we were to go into this we should have to have the Government of Bombay's accountant before us and examine and cross-examine him on the figures, should we not?

Mr. Jinnah: Then there is one more thing I want to say. I think you, Sir, have sufficient experience of the world and of life to remember that in matters of this kind there are some interested parties; there are vested interests; there may be commercial interests. All over the world it is so. They naturally only look at it from their point of view as a class. There may be a commercial class; there may be a Service class; there may be certain people who think that probably if there is a change in the constitution they may suffer in respect of their jobs or may lose their jobs. In this world we have always got these vested interests who are thinking of themselves and nothing else. After all, they are concerned with their own immediate lives and they do not want to be disturbed in the comfortable position in which they find themselves in Sind. But I would beg of this sub-Committee to look at the question not from the point of view of a particular class or section, or interest; I would beg of this sub-Committee to look at it from the point of view of the good and the happiness and the interests of the people of Sind.

Dr. Moonje: Yes, quite.

Sir Muhammad Shafi: Mr. Chairman, may I just say a few words? The argument last addressed to you by my friend Mr. Jinnah is the real argument in the case. If the sub-Committee is satisfied that in the interests of the people of Sind or their welfare it is essential that Sind be separated from Bombay, then the mere fact that some authority has said that Sind is a deficit Province to the tune of something like 60 lakhs is, I venture to think, no ground whatever for refusing to separate Sind from Bombay Presidency.

And in this particular case I would like to put it to you, Sir: What will be the result when from 1932 the Sukkur Barrage scheme is in actual working order? The Barrage has been completed; I have seen it with my own eyes only a few months ago. I happened to be in Sind for over three months in connection with a very important case in Sind; I made certain enquiries, and I am personally going to tell you something about the results of those enquiries. But at present let me deal with this particular point. You know what happens when a scheme of that kind is actually started. Sind will no doubt take a leaf out of the book of the Punjab in that respect. In the Punjab whenever the constructive portion of a scheme of that sort is completed, what happens? There are hundreds of thousands of acres of land lying barren. Some of these lands belong to Government. The Government sells its own land by auction, and, as a result of the proceeds of the auction sales, it reimburses itself the expenditure which it has incurred in the construction of that scheme, if not wholly, certainly in part, with the result that interest on the original loan which has been taken from the Government, immediately after these auction sales is cut down by payment of the loan in whole or in part. But the result when the scheme is set into operation is this: Hundreds of thousands of acres of barren land having become subject to irrigation, the annual revenues of the Government at once go up, and go up by a sudden jump. I am a zemindar and have had something to do with the work. For years and years I was a member of the Punjab Legislative Council before the introduction of the Minto-Morley Reforms, and therefore I know the whole history of the Punjab Irrigation scheme. I have visited the Punjab colonies myself and I have seen things with my own eyes, and the results of those things.

Let me tell you one thing. Lyallpur district alone now yields to the Government a crore and a half rupees in land revenue. The District Board of Lyallpur, now, as a result of this Irrigation scheme, has an income of 25 lakhs a year. That is the District Board alone. The results of the Sukkur Barrage scheme within a few years, within at the most 6 or 7 years, will be that Sind will become, bearing its area in mind, one of the richest Provinces, proportionately speaking, in India. In fact, Sind and the Punjab together will become one of the main granaries of the world when the Sukkur Barrage scheme is actually in operation. To talk of Sind in those circumstances as a deficit Province, not to be separated from Bombay even if the happiness and the welfare of the people require that separation, is, I venture to submit, an argument which ought not to appeal to anyone.

Now, coming to the main question, I admire the modesty of my friend Dr. Moonje. So far as his observations are concerned, I will deal with them in a couple of minutes, then he can go, and then I shall discuss the question independently of what he has said. I was going to say that I admire the modesty of my friend Dr. Moonje—

Dr. Moonje: I am a very modest man.

Sir Muhammad Shafi:—when he said to us at the commencement of his observations that he was not in a position to express any opinion upon the administrative difficulties, as no Hindu representative of Sind is present here on this Committee. Well, Dr. Moonje knows, and we all know, that this question has been the subject matter of discussion in India for the last four or five years.

Sir S. N. Bhutto: 20 years.

Sir Muhammad Shafi: I mean the subject matter of discussion and controversy; that is what I mean.

Sir G. Hussain Hidayatullah: Yes.

Sir Muhammad Shafi: Although during the earlier years there was no controversy about it at all, as shown by my friend on the right, Hindus, Parsees, Europeans and Mussalmans, not only in Sind but outside Sind, were all agreed that it was an injustice to Sind to keep her tied down to the apron-strings of Bombay. It is only

during the last 4 or 5 years that, for certain reasons into which I will not go, this matter has become a subject matter of controversy; and My Lord, in that controversy my friend Dr. Moonje has been taking a leading part.

Mr. Chintamani: Has the controversy been financial and administrative, or communal?

Sir Muhammad Shafi: No, no; excuse me, Mr. Chintamani. You know me very well.

Mr. Chintamani: I want information.

Sir Muhammad Shafi: My point is this, that in that controversy, those who are opposed to the separation of Sind must have satisfied themselves by enquiry—whether rightly or wrongly is a different matter—whether all these difficulties exist.

Mr. Chintamani: You do not know whether they actually did satisfy themselves.

Sir Muhammad Shafi: And therefore must have knowledge of the conditions obtaining in Sind.

Dr. Moonje: May I inform you, Sir Muhammad Shafi, that this financial aspect was considered very carefully in the report of the Nehru Committee, and they found that financially Sind could not be self-supporting.

Mr. Jinnah: According to the Bombay Government, the extent to which it cannot be self-supporting is only sixty lakhs; that is all, and my friend has shown how that deficit of sixty lakhs came about. Until 1922 it was not a deficit province at all, but in 1922 capital expenditure was included amongst the ordinary expenditure of Sind without debiting against that capital expenditure the valuable assets which government had gained. But, apart from that, I have already placed my argument before you in view of the future prospects of Sind. The deficit, being only temporary, ought not to stand in the way of separation.

Chairman: I think 1946 is the date when profits are expected from the Barrage.

Sir G. Hussain Hidayatullah: We are selling land now.

Mr. Jadhav: But you are not realising the expected price. The programme will have to be extended for some years.

Sir M. Shafi: There is a temporary fall all over the country. You have seen that Sind has no geographical connection with Bombay at all. By sea it takes forty hours to reach Bombay from Karachi. On land you have Indian States intervening and other British territory intervening and it takes forty-eight hours to reach Bombay from Sind by train. Bombay has no geographical connection with Sind and it has no ethnographical connection with Sind at all. It has no connection of any kind.

Dr. Moonje: Yet the people do not want separation.

Sir G. Hussain Hidayatullah: Who do not want it?

Dr. Moonje: The people of Sind do not want it.

Sir G. Hussain Hidayatullah: The people of Sind do want it.

Sir M. Shafi: You know very well I can reply to your interruptions, but I want to finish my argument. The overwhelming majority of the people in Sind want separation—not only the Mussulmans but the Hindus and the Parsees and Europeans and others. They all want separation.

It was a mere accident, Sir, that at the time when Sind was conquered the army in India was divided into three separate commands, the Bombay Command, the Madras Command and the Northern India Command. It was not under one command, as it is now, and it was the mere fact that it was the Bombay Army that took possession of Sind, being the nearest to it, that made Sind a part of Bombay; otherwise there was no reason whatever for its annexation to Bombay.

What has been the stepmotherly treatment that Bombay has extended to Sind? When I was in Sind one thing that struck me more than anything else was the fact that though Sind has been under the control of the Bombay Presidency for nearly a hundred years, even now no University has been established in Sind. Sind ought to have had a University of its own a long time ago. No Government College—engineering, medical, or even arts—has been established in Sind up to this time, with the result that the students from Sind who pass their matriculation examination and want to prosecute their studies further have to go to Bombay, a thousand miles away from their homes, in order to receive University education in Bombay and to obtain their University degrees.

Mr. Jadhav: Are not there two colleges in Karachi?

Sir S. N. Bhutto: They are private aided colleges.

Sir M. Shafi: I say there is no government college. The people of Sind may have been enterprising enough to establish a college or two in Karachi, but Sind is not Karachi; that is beside the point. What I am pointing out is this, that the Government of Bombay has done nothing whatever for Sind during the time—nearly a century—of Bombay rule in Sind. You have already seen that even road construction has not been undertaken. I myself drove a motor across those roads in the last three months, and I know what the roads in Sind are like.

Mr. Jinnah: Like a switchback railway?

Sir M. Shafi: Yes. The judicial system in Sind is absolutely independent of Bombay, and the executive system is really practically independent of Bombay. The Hon'ble the Commissioner in Sind is a local government for Sind.

Sir G. Hussain Hidayatullah: Responsible to himself only.

Sir M. Shafi: Therefore there is judicial separation from Bombay already and executive separation from Bombay already. For certain purposes only Sind is kept under the thumb of Bombay, with the result that from an administrative point of view this enforced relationship between Bombay and Sind is in the highest degree detrimental to the province of Sind and is in the highest degree injurious to the people; instead of promoting the welfare of the people of Sind it has injuriously affected the welfare of Sind.

Separation will not in itself cost Sind much.

Sir S. N. Bhutto: It is going to be a Chief Court now.

Sir M. Shafi: That need not be given the status of a High Court on separation; when Sind becomes self-supporting, then will be the time for Sind to raise its status to that of a High Court. I think the Hon'ble the Commissioner of Sind—the only Commissioner who has that title—should become the Governor.

Sir G. Hussain Hidayatullah: He is responsible to himself only.

Sir M. Shafi: Yes. As a matter of fact, Sind is already separate; what we want is that that separation should be recognised, and that Sind should be constituted into an independent

province. Every department in Sind has got its own head. There is even a separate C.I.D. for Sind, whose operations I saw in connection with the case in which I was defending one of the leading landowners of Sind.

It seems to me that not only is the separation of Sind essential in the interests of Sind and for the sake of their welfare, but as a matter of fact Sind is already separate, and all that is required is a recognition of that separation by government. The argument relating to administrative difficulties, has, I submit, been clearly countered by my friend, who has shown that the administrative difficulties, if any, which Sind has to face are really a ground for the separation of Sind from the Bombay Presidency, instead of being a ground for continuing Sind as a part of that Presidency. I submit that this question really ought to be decided on its own merits, and that it ought to be looked at from the point of view of the happiness and contentment of the people of Sind. I therefore support the proposal made by my friend.

Chairman: The proposition in the form in which you submit it is a much easier one for me to accept in my mind, because you do not ask me to find yes or no whether it is true about the deficit, but you say that even if there is a deficit—

Sir M. Shafi: I do not admit it.

Chairman: You say even if there is a deficit, separation is necessary on other grounds.

Sir Muhammad Shafi: I say it is essential.

Chairman: I understand. I am afraid we must adjourn now.

Mr. Chintamani: Before you adjourn, and before you call upon the next speaker, I must request you for a ruling on the proposition that we should make no recommendation about separation for Sind, but should recommend that a boundary commission should be set up—whether we can take that course or whether we can only deal with the separation of Sind under our terms of reference. I ask for your ruling now on that point, because your ruling on it will greatly influence the course of the discussion.

Chairman: It is a little difficult to say. I am not quite sure that it is out of order to recommend that the matter be referred to a boundary commission, because it would amount to saying that we did not feel able to make a recommendation. I do not think it will be out of order, but I think it will be very undesirable, and I think it would be failing in the duty which the Conference is expecting of us.

Mr. Chintamani: If you think it is in order, it will be open to the majority of the Committee, if they are so minded, to say that not only the constitution of Sind as a separate Province but also the constitution of other Provinces should all go to a boundaries commission.

Chairman: That, I think, would be out of order.

Mr. Chintamani: Quite so. If, on the contrary, it were held that it may be for the Conference to decide such questions, we are a small body charged with a specific duty only with regard to Sind, and we are to confine ourselves to that, then no time need be wasted on the discussion of the bigger problem.

Chairman: I think it would be clearly out of order to discuss the bigger question of the separation of other Provinces.

Mr. Chintamani: I ask for your ruling as to whether it would be in order for this Committee to consider the recommendation regarding boundaries commission dealing with many things.

Chairman: No. I think not. It would be in order if you like to put in in the other form.

Mr. Chintamani: It is not that I want to put it. I should like a ruling, that is all.

Chairman: What did you actually move, Dr. Moonje?

Dr. Moonje: I moved in this way—that the question of Sind be considered as a part of the larger question of the redistribution of Provinces which are demanding separation.

Chairman: I think that would be clearly out of order here.

Mr. Chintamani: That is just what I wanted to get. I express no opinion. I wanted your ruling.

(*The sub-Committee adjourned at 1.35 p.m.*)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. IX (SIND) HELD ON 13TH JANUARY, 1931.

Chairman: We might begin I think with this financial memorandum which I have had circulated. I think you have all got it. I want to point out one or two things on the first page. In paragraph 2 you notice it says the average deficit for 4 years up to 1925 is 24 lakhs; and on the basis of the figures for 1927–1928 it is said to amount to 64 lakhs; and there is no reason to believe the deficit has since decreased. Then it goes on to say it will be swelled by creating two new administrative districts consequent on the irrigation, and that is estimated at 6 lakhs.

Then in paragraph 3 you will see the extra cost of maintaining Headquarter establishments in the Provinces is put at 9 lakhs. Then there is a mention of the debt of Bombay.

Paragraph 4 sums it up by saying "Thus it is likely that the Budget of a separated Sind would show an annual deficit amounting to between 50 and 90 lakhs of rupees."

Paragraph 5 points out that it will be 1946, nearly 20 years, before the Sukkur Barrage shows a profit. Then there is a note behind which goes more into detail about the figures and about the Barrage. It really shows the same thing but in rather more detail.

Then at the top of page 4 you will notice it says, "To meet this deficit, Sind has no greater prospect in the immediate future of additional revenue than has the rest of the Province."

Then lower down it says, "Apart from fresh taxation, Sind could therefore only rely on the general increase in such revenues as Excise and Stamps due to an advance in prosperity and population, and to the additional revenue expected from the Sukkur Barrage."

Raja Narendra Nath: Is this the new one?

Chairman: Yes, the one which has been last circulated.

Then at the end of that you have the figures in detail. We have a great many more figures besides these, but I think this includes the important ones. However, the point is that that may go to show that on any calculation which can reasonably be made it looks—and there is

really no evidence to the contrary—as if Sind would be a deficit Province.

I do not suppose that the Committee will want to go into any minute examination of figures because, as I suggested to Mr. Jinnah yesterday, I do not see how we could profitably do that. But it does look, upon the evidence before us and before the figures we have been able to get, as though there will be a deficit of between 50 and 100 lakhs if Sind is a separate Province. That would be met at present by the general revenues of the Bombay Presidency. If Sind is separated, where is that to come from? Can you get that by increased taxation? If not, are you going to look to the Government of India for a subsidy—because that will put them in a difficulty. Then you have also to remember that if it is a deficit Province and the revenue is short of the expenditure it must naturally cripple all advance in education or social services or construction of roads or anything of that sort—the Province would be in a bad way. All that affects not merely finance but the administrative desirability of separating it, and these really are the questions to which I should be glad if the Committee would address their minds.

Mr. Isaac Foot: Before the general question is gone into, I should like to mention a question of procedure. I assume that in the time at our disposal it would be impossible for us to make anything like an exhaustive examination of these figures. We are not here for a month, you see, and it is contemplated that the Conference will be coming to a close at the latest in the early part of the next week.

Chairman: Not only that, Mr. Foot, but we have not the information from the experts.

Mr. Isaac Foot: I can quite understand that Sir Abdul Qaiyum or Sir S. N. Bhutto will be able to give what they think would be the answer to several points that have been raised here; but speaking for those of us who are on this side of the world, I should find it very difficult to make up my mind upon the points here submitted without a very much more exhaustive enquiry than could be possible in the very short time at our disposal. I hope, therefore, we shall not be asked, in this short time at our disposal, to go into this matter so thoroughly that we could make up our minds on these financial questions. I am not speaking about the general question as to the advisability of separating Sind, looking at it academically; but I assume it would not be within the power of this Committee to go into this matter so exhaustively that an opinion could be expressed; we should not be able to do so unless longer time is given to it.

Chairman: That is what I was putting to the Committee, that I did not suppose that they would want to argue in detail about these figures; because argue as we may we cannot come to any conclusions as we have neither the time nor the details.

Mr. Isaac Foot: These papers would be simply received without prejudice—that is to say, by the receipt of these papers we do not commit ourselves either to their complete accuracy or otherwise.

Chairman: These papers here?

Mr. Isaac Foot: Yes. We simply receive them—that is all.

Chairman: I am not suggesting that upon an enquiry some of these figures might or might not be modified. This is all the information at our disposal at the moment. It is, of course, official information.

Sir S. N. Bhutto: Perhaps I may be permitted to submit to the British Indian Delegates as well as to the European Delegates that they will consider our case sympathetically. We are demanding the separation of Sind on the same principle as that on which the whole case of the British Indian Delegation is based, and on the very principles—if I may be permitted to mention it—on which you sacrificed so much during the late titanic War. The best flower of your manhood sacrificed their lives simply to help the weak in the principle of self-determination. In this case we are comparatively very weak between the two powers—the Government of Bombay and the Government of India.

We do not believe for a moment that our Province is a deficit Province. No one could be more loyal to us than ourselves. If we knew that our Province was a deficit one and that we were going to be crippled by separation, would it be in our own interests that we should insist, or that the people could have made up their minds to insist—which they have done—upon it? Our people's cup of misery is full; they cannot wait any longer.

If we admit for the sake of argument—though we do not believe it—that Sind is a deficit Province, may we just consider that aspect for a moment? Why should Bombay Government be so anxious to retain us and be so interested in us when their own finances are in such a hopeless plight? It may be that the Meston Settlement is responsible to a very great extent for the financial plight of the Bombay Government, and some of their own ambitious adventures; but the fact is there that for the next 60 years the Bombay Government may continue to be in a hopeless state. We cannot expect any improvement whatever if we continue to remain part of the Bombay Government.

So far what has been done? We are grateful to the Indian Government to some extent. Our case is not like that of other provinces such as Baluchistan, N.W. Frontier, Ajmere. But from the Province of Sind the Indian Government's revenue would be about 2 crores of rupees; and even in regard to the Lloyd Barrage scheme, whatever the effect of the Barrage may be, at least the Government of India is going to receive over 70 lakhs additional revenue from Sind. As we have been neglected by both Governments for 82 years, even if for the sake of argument I say our Province is a deficit Province, when the Government of India receives 2 crores from Customs, Telegraphs and Posts, Railways and Income Tax—all these are central subjects—if we could receive charity from the Bombay Government, why should not the Government of India come to our rescue for a very short period, say for about 10 years? It will not be of much assistance to extend temporary help.

It is a matter of history, Sir, that ever since Sind came into existence up to the advent of the British Raj it has preserved its individuality; but I am not going to repeat all the arguments that have been already advanced, and I have submitted a short note constituting the facts for the consideration of the Committee. But let us see what we have suffered. In the first instance the Government of India was very sympathetic to the case of Sind. A few years after the conquest by the British Government the Government of India addressed the Bombay Government in regard to the Land Revenue system in the Province of Sind, that the Sind claim was to be quite different from that of the Rayati system in Deccan; and that the case of Sind should be considered upon its own merits because we were the owners of the land—the system in Sind was not the same as that prevailing in the Presidency proper. However, the Bombay Government took no notice of that and enforced the system of land revenue that they had in the Presidency by which we lost all our rights of ownership in regard to

our properties. That was the first consequence of our being placed under the Bombay Government.

As a test case one of our educated Hindu zamindars took the matter to the Court and succeeded in getting his fallow-forfeited land back; and the Government had to amend the Land Revenue Act. That handicapped us by depriving us of our ownership permanently.

What has been the further consequence of the far distant land revenue system? The agriculturists are absolutely starving. This unfortunate class of His Majesty's subjects throughout India is in a very bad state, but in Sind particularly it is a problem of bread. It is not a question, as we say here, of one meal a day; because in England they get at least a cup of tea and at least they have a piece of mutton once a day; but out there they live on dry jwari bread once a day; they cannot afford even to have medical aid, they cannot afford to provide medicine for their children, and even when they or their near relatives die they cannot afford to provide coffins for them. That is the state of the agriculturists. The zamindari landlords are being reduced to absolute beggary; their lands are passing away; they cannot afford to pay to the Government the heavy assessment; there is no value left of the property; they are not sufficiently educated to enter into the Government service, and they have no money for business. There is no other remedy but to give them their own Government to avoid the calamity that is pending.

You, Sir, said that if we are immediately separated progress will be handicapped. Consider the position for a moment. During the last nearly a century that we have been under the Bombay Government, what progress have we made? Our irrigation is the old type of irrigation which returns to the Bombay Government about 12 or 13 or 14 per cent. Except for one canal—the Jamras—they have made absolutely no improvement. In spite of the fact that the Government of India issued an instruction to the Bombay Government in 1913 on the recommendation of the Committee they appointed, no notice was taken of those recommendations. The last important document you have available is the Hartog Committee's Report. That is the last valuable and reliable document you have got. If you will refer to that document you will see how even up to to-day the Bombay Government has treated our education. It was stated yesterday that we have not a single Government college in the Province of Sind, while they have so many colleges in the Presidency proper.

Mr. Jadhav: How many?

Sir S. N. Bhutto: Even a backward Province like Baluchistan can claim pukka roads, but we cannot claim a single pukka trunk road.

We have only Local Board dispensaries at a distance of 15 or 20 miles. Except at District Headquarters there is no Government dispensary.

We receive very meagre help, not even 10 per cent. from the Government of Bombay. Although the dispensaries under the Local Authorities are kept open they have on occasions no medicine to supply. Medical help, agriculture, irrigation, roads, education—everything is in a mess. It is a mystery to us on what the Bombay Government spend the money while we are proved to be a deficit Province. In these circumstances, if we were separated we should not be worse off than we are at present.

My feeling about the Bombay Government is that what they are afraid of is their prestige, and is Sind to be allowed to be penalised for the prestige of Bombay? If we are excluded from Bombay we may be reduced to a third-rate area, but Bombay will remain a Presidency even if it is reduced to Greater Bombay city for historic terms are most stubborn. But I submit that we should not be made to suffer on that account.

At present we have in Karachi the main air mail station in Sind. Mesopotamia is developing; there is a possibility of the Baghdad railway which will capture the whole business of Mesopotamia by land and sea. Then, again, we are two days nearer to England than Bombay. If we had our own Government surely we would insist on the development of our port—the P. & O. mail steamer would first come to Karachi and then to Bombay, and so on. Bombay is afraid that by means of these natural advantages Karachi may become the door of India. In a short time we shall have fast train service with Cawnpur and Delhi, and we could capture the whole of the business of the two Provinces of C.P. and U.P. The Punjab and N.W. Frontier are already served by Karachi Port, so that Sind will capture the whole of the business of Central India—including United Provinces and the Delhi Province.

The two biggest political organisations in India, as we submit—the Congress, the Muslim League—have supported our claim; the non-official and moderate Europeans, Hindus and Parsees support the separation of Sind. Non-official Europeans, headed by Sir Montagu Webb, have supported the separation of Sind, as have also European officials who have retired from the Service. Of course, when they are in service they have difficulties to face, although they are sympathetic to us. They feel for the Province of Sind, but, owing to official etiquette, they cannot commit themselves in this connection. In the last 17 years we have had three Commissioners, who have now retired, and I am sure that if they were called here to be examined they would give you the real history of Sind and tell you what they feel about it.

What is more, in the present circumstances there are no reforms for us. Unfortunately it is not possible for the Bombay Government to give us attention as their time is too much occupied in other directions; it is impossible for them to manage or to have direct control of, or to take an interest in Sind from a distance of 1,000 miles by land.

The result is that the Commissioner in Sind is invested with most of the powers of Government. I admit that we have been very fortunate on occasion to have had very good Commissioners. We have got a very good Commissioner now, and we have had good ones in the past; but when we get a lazy, proud and wooden-headed Commissioner, we cry "O God, come to our aid."

Chairman: You have not told the Committee, supposing there is a deficit of 60 lakhs, where it is to come from.

Sir S. N. Bhutto: We do not object to your appointing an expert Committee. I am sure we shall get quite a large amount out of the Bombay Government if there is a fair and independent arbitrator appointed to look into the full and the real facts from 1842. If we are not able to support ourselves how could we ask for separation?

We shall be questioned by our people. The people have no money and they are already starving and cannot pay more taxes; but we know that we are not a deficit Province. That is the thing which puts us out very much.

We might have been part of the Punjab if the Punjab had then been British territory. We say that the principle has been already accepted by the Statutory Commission and the Government of India, who recommend a Committee to go into the finances and administrative difficulties. We have proved that there are no administrative difficulties and we ask you kindly to decide that Sind should be separated, subject to the adjustment of the finances. Otherwise, if we do not get justice and fairness at your hands, as the highest tribunal, we do not know where we shall be.

Sir G. H. Hidayatullah: I want now to explain to you about the deficit in one or two words. Yesterday, I praised my countrymen, my Hindu friends, by saying that they were very clever people, and I repeat that praise to-day.

The Government of Bombay's figure of deficit was 24 lakhs. Then comes in my friend, Professor Chablani, from Sind, who was a non-official but who had access to Government records. I never heard of such a thing, that a non-official should be allowed to inspect Government documents. However, he was allowed to do so and he found a deficit of 64 lakhs. The Government of Bombay, without examination, as is clear from Mr. Wiles's notes, say 64 lakhs in 1927–28. It says on page 2 of this document: "Professor Chablani was given access to the Accountant-General's records, and his statement will shortly be checked by official figures." They are not yet checked, yet we are told we have a deficit of 64 lakhs.

Mr. Isaac Foot: I take it that you are quoting from page 2 of the Chairman's memorandum?

Chairman: It is on the second page.

Sir G. H. Hidayatullah: Are we going to be treated like this—a non-official is allowed access to Government documents; *ex parte* he collected the figures, and the Government of Bombay quotes these figures and make this Committee believe these figures. My friends from Sind are too clever, and my friend Sir P. Sethna will bear me out. Mr. Shamdasani is concerned only with banking; what trouble he has created in the whole city of Bombay! Is it fair to us that an opponent of the scheme of separation should be allowed access to official records?

I will now take you to the 64 lakhs deficit. These are the figures as my friend Mr. Martin will bear me out. Our way of budgeting in Bombay is that we take the land revenue and general administration together. Sometimes they have been changing the budgeting. Now, Sir, you will see the ordinary expenditure for 1921–22—the expenditure on land revenue and general administration—land revenue is 23 lakhs, and general administration is 14 lakhs; that means 37 lakhs in all; and that is in 1921.

Now look at the jump. This in 1922 when a deputation of Hindus and Muhammadans waited on the Governor and were pressing for a separation. The expenditure becomes 60 lakhs. Where did the money go? Then in subsequent years it becomes 58 or 59 lakhs of rupees.

Now look at the other heads. Take an important head like Police——

Mr. Isaac Foot: Before you leave general administration. In 1923–24 and 1924–25 it jumps up from 19·6 to 44·8.

Sir G. H. Hidayatullah: This is the way of budgeting. They are budgeting separately, so that both are to be taken together. I must be fair to my own Government; they change the heads, therefore I am taking the totals.

Mr. Isaac Foot: I see.

Sir G. H. Hidayatullah: But you will see how rapidly the expenditure has gone up for the administration of the Revenue Department from 37 lakhs to 60, then to 59, and then to 58—that is increased by 21 lakhs of rupees.

Now take Police. That, on the contrary, has been reduced.

Take any other important head and you will see that the expenditure is reduced almost everywhere—take Excise, take Forests—everywhere.

However, within four years that expenditure to which I have referred has gone up by 21 lakhs of rupees.

Let us now take our Land Revenue side on the previous page. In 1921–22 it was 144·2, which includes a portion of the Land Revenue due to irrigation, which is shown in subsequent years under head XIII. So taking both V and XIII together, our Land Revenue has been about 145 lakhs.

Now you see how it is going down. In 1924–25 it has become one crore one lakh. That is a decrease of 40 lakhs. Then on the administration of the Revenue Department we are spending 21 lakhs more within the four years. Is that fair?

Dr. Shafa'at Ahmad Khan: You mean as a result of your agitation.

Sir G. H. Hidayatullah: I do not know whether it is agitation or not. At any rate, I am taking the figures there. Would any business firm whose revenue was decreasing go on increasing the expenditure in its Departments?

Sardar Sampuran Singh: They must have increased their staff to attend to the land.

Sir G. H. Hidayatullah: No, that is a separate account altogether.

Sir P. Sethna: Was it not due to the rise in salaries?

Sir G. H. Hidayatullah: They have taken into consideration Police and Excise. Do you mean to say only one Department has increased?

Chairman: In that figure of Land Revenue, 144·2, there was included, so Mr. Martin tells me, 25 lakhs working expenses. That was taken off in subsequent years. It ought to be 144 less 25 really. There appears on the next page—Working Expenses 25 for that year.

Sir G. H. Hidayatullah: Then there is a deficit of 25 lakhs of rupees, and the expenditure has increased by 21 lakhs of rupees. I might make it clear to the Committee that land in Sind is worth nothing without irrigation.

Let us now see how much we have spent on irrigation in these four years. Capital Expenditure comes on the third page: five lakhs in 1921–22; 19 lakhs in 1922–23; 51 lakhs in 1923–24; 1 crore 24 lakhs in 1924–25. That means that more land must have come under cultivation and the revenue ought to have increased.

Mr. Isaac Foot: It will depend upon whether the works on which you have spent the capital are yet carrying out the purposes of irrigation.

Sir G. H. Hidayatulldh: Already their money has been spent.

Chairman: These 1924 figures include expenditure on the Sukkur Barrage.

Sir G. H. Hidayatullah: That has nothing to do with this, Sir. Where it is construction of irrigation works they say so. That makes it very suspicious.

Mr. Isaac Foot: But do not you see, the point of your criticism is that you are raising questions upon which you ought to be in the position of examining the financial officer, and we or someone ought to hear your questions that are put and the answers that are given. There is no financial officer here in the box to answer the questions that are being put. Your criticism cannot be accepted finally in the absence of the answers of the financial officers of the Departments.

Sir G. H. Hidayatullah: Exactly as we are sitting in a Committee I am showing you that though Revenue is being reduced the expenditure in the Departments is being increased. Is that a fair proposition?

Mr. Isaac Foot: A perfectly fair question; but you yourself will agree that it cannot be final in the minds of anyone who has to decide upon it, because—

Sir G. H. Hidayatullah: We can make that by increasing the establishment; everyone has a deficit in the Budget.

Mr. Isaac Foot: I do not dispute that at all.

Sir G. H. Hidayatullah: Would any business firm increase its expenditure, spend nearly 2 crores of capital expenditure in getting less revenue in?

Dr. Shafa'at Ahmad Khan: Inefficiency of the administration.

Sir G. H. Hidayatullah: Absolutely. Then about the 24 lakhs. Again, if we take the expenditure in 1921-22 it is 2 crores 10 lakhs—that is what the receipts are—and the expenditure is 2·44. In regard to the expenditure I might mention the way of budgeting in Bombay. About the time of the reforms we used to have all money out of the revenue on all expenditure except on the productive works; then we wanted to have loan money spent on works of public utility—

Chairman: I do not want to stop you, but you said you were going to be short.

Sir G. H. Hidayatullah: These figures require explanation. If you take 22 lakhs on civil works it is not a record of expenditure—

Mr. Mody: I want to know Mr. Chairman whether we are or are not going into the figures. I thought you raised the point that that was not competent for us to do. If we are going into the figures we should like to hear Sir G. H. Hidayatullah at some length, but the point is this, are we going into these matters?

Chairman: I do not say it is not competent for the Committee, but it would not be profitable because we cannot arrive at any conclusion. That is all I was endeavouring to point out.

Sir G. H. Hidayatullah: This is only money spent once in a way.

Chairman: I am only showing you what the figures say. With regard to Professor Chablani's figures these were checked and the documents were submitted to the Simon Commission. I have a telegram from Bombay saying the figures for 1927-28 show a deficit of 62 lakhs.

Sir G. H. Hidayatullah: I doubt it. How can you talk about those figures without access to the records?

Chairman: I do not think we can go into that with advantage.

Mr. Jadhav: I must admit that I am not at all competent to speak upon financial matters because I have not studied that question; but I find here that the representative of the Bombay Government is not going to represent the views of the Government of Bombay but has been insisting upon his views.

Sir G. H. Hidayatullah: You must know my position. I have been sent here to represent the Muhammadan interests, and not to represent the Government of Bombay.

Mr. Jadhav: I do not want to insinuate anything. I have known Sir G. H. Hidayatullah for the last nine years; we have been the best of friends and understand each other better than any other persons I should say.

Sir G. H. Hidayatullah: I might tell you that if the Bombay Government had told me they were sending me to represent them I should have declined, especially in the state of ill-health that I have come here. That is my reply to you. You can ask the Government of Bombay. I was appointed to represent the Muhammadan point of view here.

Mr. Jadhav: I did not know what the directions given to him were, therefore I beg Sir G. H. Hidayatullah's pardon if I misunderstood him.

I am no longer a member of the Government of Bombay and, therefore, I have no right to speak on their behalf.

I must, in the beginning, admit that I myself have not formed any opinion about the separation of Sind or about opposing that proposition, because the data that was placed before me was insufficient. In the first place, I have to admit that my acquaintance with Sind is very meagre. I made only two official visits to that province, and they extended over thirty days and fifteen days respectively, and I do not think that that gave me sufficient knowledge of that province; but one thing was quite plain to me—that the Hindus as a class, as a community, were opposed to separation, while the Mussulmans—those Mussulmans with whom I came in contact or at all events were leaders—were in favour of separation. I do not know what the feeling of the cultivating classes is, because I do not know their language and I had no opportunity of talking to them, but I think they are generally in the position of the horse in Æsop's fables. When its owner wanted it to run very fast so as to escape from his enemy, the horse asked the rider what the enemy would do if he were caught. The rider said he would be killed. The horse said, "What about me?" "Well," said the rider, "he will ride you." Then the horse said "Why should I trouble myself? If someone is to ride upon my back it would be much better for my comfort that I should remain where I am."

Sir Abdul Qaiyum: That is the case with all the agriculturists in India.

Sir G. Hussain Hidayatullah: They do not want Dominion Status; why do you want it?

Mr. Jadhav: My own people are in the same condition.

Sir S. N. Bhutto: My 85 per cent. do not want it.

Mr. Mody: Let us not give our case away!

Sir G. Hussain Hidayatullah: You make us give away the case. There is yet time.

Mr. Jadhav: But what surprised me here was that the arguments for separation were mostly based on the stepmotherly treatment given by the Government of Bombay to the people of Sind. Might I ask, Sir, who the stepmother is? Up to 1920 the finances were the finances of the whole of India, and the local governments were given allotments, and money was spent by the Government, which was mostly in the hands of European officers, who cannot be charged with partiality for one province or for one community as against another community or as against another province; so if the stepmotherly treatment of Sind is to be attributed to anybody it ought to be attributed to the officers and to the British Government who conducted the affairs of India as a whole. This charge of stepmotherly treatment is sought to be proved by the want of communication and by the slow progress that education has been making and by the paucity of hospitals and dispensaries and such other things; but may I point out that the condition of the other provinces in India are not much better in all these respects except as regards the subject of roads—communication. Educationally every division, every district is as backward as the Sind division. It is said that nearly a hundred years has passed since the conquest of Sind, but the education has not been pushed on, and therefore the Government

ought to be charged with stepmotherly treatment, but may I point out, Sir, that even in the city of Poona and outside the Government has been there for more than 112 years, but still the condition of primary education is as bad as anywhere else, and that in the city of Bombay, which has been under British rule for more than 250 years, the condition of the poorer people, the labouring classes, is as bad as outside Bombay. So this stepmother is treating all her own children and the children of other provinces in the same niggardly manner, and I do not think any special charge should be preferred against her for treating any division specially badly.

As regards the communications, the province of Gujrat also has been charging the Government with favouring the Deccan and starving Gujrat, and in the matter of education the same complaint has been preferred by Sind; but may I point out the difference between Sind and Gujrat on the one hand and the Deccan on the other. Road metal can be had in the Deccan without any great additional cost, whereas in Sind and Gujrat road metal and road material are very costly, and to construct a mile of road, that is to say well-metalled road, is as costly as laying down a mile of railway; and that is one of the reasons, Sir, why the road communications are so unsatisfactory in these two provinces. But that is not all. The Mahratta country has been provided with roads, not for the simple reason that it is nearer Bombay or nearer Poona, not that it can provide at cheap cost metal and other road material, but the advantage they have got is due to a great calamity to which they are always subject. Some of the places in the Deccan are liable to suffer from famine once in three years and sometimes twice in five years. Government has opened relief works for the purpose of relieving the starving population, which consisted especially of agriculturists and the weaver class, and road making was the only work that could be provided to thousands of people who flocked on the famine works. That is the reason why roads were made there because money had to be spent for saving the lives of the people and some return was to be expected, and that return was obtained in the shape of roads. It is to this misfortune, the liability to famine, that the roads of the Deccan are due, and not to any unfair or stepmotherly treatment by the Government of Bombay.

Sir G. Hussain Hidayatullah: Colleges also.

Mr. Jadhav: I am coming to that. As far as education is concerned, primary education has been suffering everywhere. The Presidency proper has got a college, a government college in Bombay, a government college in Poona, a government college at two other places. The government college in Bombay has got a history to which one cannot close his eyes. In order to perpetuate the memory of Sir Mountstuart Elphinstone a public subscription was raised, the Elphinstone Society was started, and that Society opened an institution called the Elphinstone Institution. That ultimately developed into a college and it had to be taken up by Government. The history of that institution has been such that it is very difficult for Government to stop that college, but that question has not been shelved completely, and in the days of stress of finance perhaps the Government college may suffer. The college in Poona was a development of an old institution which was started by the Peshwas before Poona came under British rule, and the provision of money set aside by the Peshwas for that purpose was diverted to English education, and therefore the Government is bound to continue it. When the Ferguson College was started in Poona, the question was discussed as to whether the Deccan college should be handed over to the Deccan Education Society, and the Law Officers were consulted, and I am told that the Law Officers said that Government was bound to continue that college according to the promises given, and therefore that college could not be abolished. Had it not been for this obstacle, the Government college in Poona would have been abolished long ago.

Mr. Foot: We have passed on to the Mahrattas, have we?

Dr. Moonje: His point is that all those institutions were founded by private funds, and the Government only helped.

Mr. Jadhav: In Sind, for instance, a private society was formed, and that society has been conducted as a very successful college for many years, and Government has been liberally assisting that college. That society has again taken upon itself to start an engineering college, and Government also has been assisting that enterprise; so Sind has got an engineering college and an arts college, and both of those are very efficient. An arts college at Hyderabad has been supported by Government and grants were made to it when the grants to new arts colleges in the Presidency proper were stopped. In the Presidency of Bombay proper, if any new arts colleges started, no grant is made to it. The Sangli College and the Nasik College were started after this rule was made and they do not get a single pie in the shape of grants from Government, but the Hyderabad College, although started after that date, has been given aid, because Sind wanted another college and therefore it was thought desirable to give that special grant to that college. I do not think that this is stepmotherly treatment.

With regard to medical relief, I may point out that each district has got a civil hospital, and the dispensaries in the whole of the Presidency, including Sind, have been managed by district local boards and municipalities, and Government paid the cost. The scale of these grants for Sind and for the Presidency proper is the same, and therefore I do not think that this charge of stepmotherly treatment will be applicable in respect of medical relief.

As for agriculture, Sir, I have found during the last two years that the needs of Sind were more attended to, and that more money was spent in the development of agriculture in Sind than was spent in the Presidency proper; and I do not think that that can be called stepmotherly treatment. Of course, the conditions of Sind are very peculiar in this respect, and as Minister of Agriculture I had to sanction those grants on account of those special circumstances. The Barrage will soon come into operation, and we must have the Sakrand farm and other farms there and the experiments carried on on a very large scale. Therefore special grants were wanted for the development of agriculture in the Province of Sind, and the Government did not hesitate to make those grants at the same time as it started the agricultural development of the Presidency proper.

It has been said, Sir, that irrigation in Sind is very paying and that Government gets possibly 14 per cent. or 15 per cent. on their investments, but the hollowness of this assertion has been demonstrated, and I need not take up the time of this sub-Committee by going over the same ground again.

The Report of the Hartog Committee certainly lays bare the deficiency in the advance of education, but I think it accuses want of progress in all the divisions, and not in any particular division.

Sir S. N. Bhutto: The question dealing with Sind is a very big chapter, and I do not want to take up the time of the sub-Committee unnecessarily, but the Report of the Hartog Committee is available if members would care to read it. I will read only one paragraph, which refers to

the argument of my hon. friend, and the sub-Committee can then consider what weight they should give to the statement that my friend has just made. The passage which I want to read to you is as follows: "But in spite of these improvements, the claims of Sind appear to have been overshadowed by those of more fortunate districts. We have been told that some of the Sind local boards were among the first to impose an education cess under the Compulsory Education Act and yet the number of new schools sanctioned for Sind was much smaller than the number in other divisions; and that while in 1926-27, as much as Rs.1,17,000 was paid as grant towards the expansion of primary education to the District Board of Satara and Rs.37,700 to the Board of East Khandesh, all the district boards of Sind together obtained only Rs.18,000." Satara is my hon. friend's own district, and he himself was the Minister; he gave away Rs.1,17,000 to his own district, while all the district boards of Sind together obtained only Rs.18,000. The hon. Minister sanctioned Rs.1,17,000 for his own district! Members may read for themselves the rest of the report and judge the position for themselves.

Mr. Jadhav: I am ready to reply to that.

Sir S. N. Bhutto: You say you are ready to reply, but here is the record.

Mr. Jadhav: I am very glad that this gives me an opportunity of dealing with the matter. I took over charge in 1924, and a year and a half was spent in making rules and regulations for the administration of the Act of 1923. Under that Act the further expansion of education was left to the local authorities. In the case of municipalities it was promised that any additional expenditure that was incurred for the advancement of education would be shared half and half by the local authority and Government; in the case of the district local boards, they were to provide one-third while Government promised two-thirds. Now, this district of Satara had seen ahead as soon as the Act was passed in 1923. They imposed an additional cess of one anna per rupee on the land revenue of that district, and they began to collect it in anticipation of the Act coming into force. Before the Act came into force they were ready with their money, and in 1926 they submitted their claim in connection with primary education. They said: "We want so many new schools and so many additional teachers; here is our one-third of the money; we want your two-thirds." That was the only district which was ready with the money, and which had its scheme prepared and came forward to Government with the money. Let my hon. friend Sir S. N. Bhutto say whether any district in Sind came forward with the money.

Sir S. N. Bhutto: Yes. This document says you referred it back and considered the scheme of your own district.

Mr. Jadhav: Government never referred back any scheme. The applications were considered by the District of Public Instruction, and had there been any glaring ill-treatment of one district or any such partiality or partial favour to one district, I do not think my hon. friends in the Council would have stood by and not moved a vote of censure.

Sir S. N. Bhutto: You were in a majority, and you begged us to spare you and we did so.

Mr. Jadhav: I am not at all against the aspirations of Sind. If Sind wants separation, Sind may be separated. I simply wanted to explain things and to deal with the charges brought against the Bombay Government for "stepmotherly behaviour." I have very good friends among the people of Sind, both Hindus and Muslims, and I have in my short visits formed a very high opinion of their integrity and of their trustworthiness. If they think they will prosper under separation I have no objection, but at the same time I must say that they ought to base their claims on facts and not on sentiment or on allegations that they are not properly treated by the Government of Bombay.

Chairman: Thank you.

Sardar Sampuran Singh: I fully sympathise with the ideas expressed by my friends, and as a matter of fact I fully appreciate the point of view that Sind cannot progress to the fullest extent until it is separated from Bombay, but the point we have to consider is whether Sind will be able to meet its expenses, its coming expenses. I assure you, having a little experience of the colonies in the Punjab, that to colonise Sind it is absolutely necessary that you should spend a very large amount of money on railways, pukka roads and other communications, so that the grain from the land may be able to reach the ports or the markets in that part of the country.

Unless you are sure about your financial position it will be almost suicidal to take any action for separation without making sure of the financial position. You may be perfectly correct when you say that today your financial position is very strong and that there is no deficit; you may be quite right when you say that the deficit which appears today is only an artificial deficit, and that when the figures are actually worked out it will be clear that there is really no deficit. You may be perfectly correct, but you are not sure about it yourselves; you cannot substantiate this viewpoint by any facts and figures at present. This inquiry has to be undertaken because you yourselves and we ourselves are not in a position to judge.

Sir Ghulam Hussain Hidayatullah: If you will accept the principle we will submit to the financial adjustment.

Sardar Sampuran Singh: After all, we know that this thing must eventually come about if it is financially sound. If you can pay the interest on all the loans raised for the Sukkur Barrage and if you have some capital to develop the colony it will be all right.

Sir Ghulam Hussain Hidayatullah: We can give guarantees.

Sardar Sampuran Singh: Any guarantee must be based on facts, and that enquiry will show whether you are really capable of that or not, and eventually having come to that conclusion the decision has to be arrived at whether Sind should be immediately separated or not. To establish it beforehand that Sind must be separated is equivalent to saying that we do not care whether financially it can stand alone or not. If we are prepared to let you go down, and you are prepared to sink financially like that, it is no use making that enquiry, for that enquiry will be absolutely useless.

You say you are sure that this is only a budget deficit and that the financial situation of Sind is all right, and I have learned that from other sources as well. I happened to meet other friends here who have served in the Civil Service in Sind, and who also think that financially Sind can stand on its own legs. I do not doubt that statement of yours, but anyhow we can only note that opinion; we cannot base our opinions on any definite, solid facts and figures. Until we are able to obtain facts and figures as a result of such an enquiry as has been suggested it will not be logical to decide anything about the separation of Sind; we cannot do it at this stage, and I think that as the circumstances show that anyhow this must be put off for some time, it does not matter if it is delayed six months or a year until this enquiry is made.

Sir Ghulam Hussain Hidayatullah: Then there will be a larger deficit and yet Bombay is prepared to go on paying our deficits! That is the wonderful thing about it.

Sir S. N. Bhutto: I have a telegram here which I should like to read to you, if I may.

Chairman: We have all had telegrams; I have had telegrams against the separation of Sind.

Sir S. N. Bhutto: They have asked me to place this before you:—

> "Sind Muslim Conference Jacobabad ninth instant resolutions have emphatically demanded immediate unconditional Sind separation and without which no reforms will be acceptable to Sind people. Also passed that Simon Commission and Government of India have neglected the question of reforms in British Baluchistan in the next constitution and strongly urge upon the members of Round Table Conference to take up the case in right earnest."

Dr. Moonje: May I also bring to your notice a cable I received this morning?

Chairman: It is probably the same as I received. I do not think we need read these telegrams; we all get them.

Mr. Mody: I think there are only two courses open to us. We can either pass a resolution for which the formula has been placed before us by Mr. Jinnah, which commits us definitely to the separation of Sind, or we can do nothing or next to nothing and say that all these matters must be investigated by a separate Committee, and leave it at that.

I submit neither of these courses should be adopted. In the first place, Sir, as regards the course suggested by Mr. Jinnah, namely that Sind should be separated, a course which has been so ably advocated by Sir Ghulam, I am sure we have listened to the arguments advanced in support of it with every sympathy and with great attention, and, speaking for myself, I am deeply impressed by all they have said. If there is an overwhelming desire on the part of Sind to separate, no obstacles should be placed in the way of that unless there are overwhelming considerations to the contrary. The point is, however, that on the facts that are before us—facts which Sir Ghulam Hussain Hidayatullah has sought to explain—and on what we must take to be the present position, there is no material on which we can come to a decision.

Now, Sir, if you lay down that it is the business of this Committee to investigate the whole of the circumstances and to come to a definite decision, I am perfectly prepared to go on and to go very carefully into the financial ability of Sind. I have not the least objection. Whether that course is practicable or not it is for you and the Committee to decide; but if you come to the conclusion that Sind ought to be separated, at least that conclusion cannot be come to unless you have fully investigated the problem in all its merits.

I do not know that I interpret correctly your own wishes, but the next suggestion was that we should merely pass a resolution that a Committee be appointed which would go into the whole question and submit a report. I do not know, Sir, whether that is good enough for us. After all, we have been asked to examine this question, and it does not do merely for us to say that because there are so many difficulties in the way of the examination of the question, therefore all our recommendation amounts to is that some other Committee should examine that question.

My view would be that we should definitely say that if satisfactory administrative and financial adjustments can be made, and if it is found that Sind is capable of financing herself, then, assuming, of course, that there is a desire on the part of Sind to separate herself, the separation should be an accomplished fact; the proposition I would like to place before you would be based on those lines.

There is a difference between that and leaving it to another Committee; because in the one case there would be a definite expression of opinion that if satisfactory arrangements can be made, Sind should separate herself. In the other case, there is no such expression of opinion; you merely leave a Committee to discuss and investigate everything, and then come forward with recommendations of their own.

Therefore the proposition which I would like to place before the Committee is this. I have jotted it down very roughly: "That if satisfactory financial and administrative adjustments are made, and assurances are forthcoming with regard to the ability of Sind to finance herself, the sub-Committee are of opinion that Sind should be separated and constituted into a Province; that a Committee should be set up by the Government of India to examine the question and make an early report."

Now I should like to anticipate an objection which might be raised to this. I think it was suggested yesterday, that after all, if Sind cannot finance herself, it is her funeral; why should we worry about it; and why should not Bombay be anxious to get rid of a Province which is a burden? But I would like to point out as an answer to it that that is not the correct reading of the situation; because, after all, there are two communities in Sind, the Hindu and the Muhammadan. Assuming for a moment that after separation an enormous financial burden is put upon the people of Sind, the Muhammadan community might well be pleased that that financial burden should be imposed, because they get something else, something very substantial, namely, a large Muhammadan Province, and power and privilege. But the Hindu community, or any other community, the non-Muhammadan communities might well say: "Well, what is the good of the separation to us who have had to bear this extraordinary amount of taxation"? Therefore it does not do merely to say that if Sind cannot finance herself, it is her look out, and that it does not matter to us here in the Committee or to the people in Bombay whether Sind can or cannot adequately carry her own burdens.

From all these points of view, I feel that, while we should go in every possible way to meet the desire of our friends in Sind, and express a definite opinion that Sind should be separated, it must be contingent upon two things, namely, equitable adjustments being made and her ability to finance herself being proved.

Now I would ask my friends not to object to these provisos for the simple reason that they themselves have made light of them. If you say equitable arrangements can be made, well and good. They also say that Sind is capable of financing herself; that if matters were thoroughly investigated, it would be found that the situation is by no means as hopeless as it is made out to be. Well and good; I do not think then they can object to an expression of opinion of this character, coupled with these two conditions which they think are easily satisfied.

Dr. Moonje: The real desire of the people is for separation.

Mr. Mody: That, of course, must be taken as the fundamental basis of this. This is what I should like to place before the Committee as an alternative to Mr. Jinnah's proposition, which proposes that Sind should be separated from the Bombay Presidency, and a Committee should be set up. My objection to his proposition is, as I told you, that it definitely separates Sind, even

though it may turn out later on, when the Committee investigate, that the separation cannot be made effective without an enormous burden being put on the taxpayer in Sind. I would like to safeguard that position, and I would like to say that provided a Committee can satisfy us that Sind can bear her own burdens, and that she is quite prepared to come to an amicable understanding with the Bombay Presidency with regard to the burdens which she should bear, her share of the burdens, we are perfectly happy to allow Sind to be separated and constituted into a new Province. That is my proposition.

Chairman: May I just sound the Committee as to the general feeling now? Mr. Mody has expressed extraordinarily accurately what has been in my mind for some time. I do not want to repeat what he said, but I should like just to put it to the Committee, perhaps in my own words, but it is very much the same. I cannot help feeling, as I told the Committee and as I told Mr. Jinnah yesterday, that it is impossible for us round this table to come to the conclusion as to whether Sind would be a deficit Province or whether it would not. We have not got the material and we cannot come to that conclusion. Now if Sind is to be a deficit Province, there is not only the objection to which Mr. Mody has called attention, that is to say, that there would be a very heavy burden on the inhabitants, but there is also the objection, it seems to me, with regard to the social services and the development of Sind. Sind, after all, is part of what we hope will be a united India, and you want the whole of India to develop; you do not want to have a backward Province in the middle of it.

Therefore I am just putting this to the Committee. I myself should feel very reluctant to say: Oh yes, let Sind be a Province whether she can sink or swim, it does not matter. It does matter; it matters not only to Sind but to the whole of India. Sind is a part of India and we have to consider it in relation to India as a whole. I may say also I have been impressed, as I think probably all the Committee have been impressed, by the perfectly obvious reasons for the separation of Sind: The geographical reasons, the racial reasons, the reason of distance from Bombay, and the strong wish of the people of Sind. They are all matters of very great importance.

I do not know whether the Committee feels that perhaps the better course for us to take would be to express a view that it is desirable for Sind to be created a separate Province if it was found that she could stand on her own feet after an enquiry by a financial Committee. But I quite agree with Mr. Mody that I do not think it would be proper to refer the major question to that Financial Committee. That is, I think, very much a matter for the Round Table Conference, where we have all India represented. That is a matter of principle for us I think. But the Financial Committee can go properly into the finances and can tell us, or the Government of India, or whoever it is who is carrying out the wishes of the Conference, whether in truth and in fact Sind can stand on her own legs. The report then would be on the lines that, provided it was shown that Sind can stand on her own legs, Sind should be separated.

Dr. Moonje: Without fresh taxation?

Raja Narendra Nath: Yes.

Chairman: Not necessarily without fresh taxation, but without too great a burden. You must not, I think, say that they should never have additional taxes.

Mr. Mody: They may advance, and they may want more taxation.

Sir G. Hussain Hidayatullah: Are not the Government of Bombay going to introduce a 25 per cent. income tax, and is not that a tax? I do not understand how any country can go on without taxation.

Chairman: I am saying without an undue burden; but it must be possible if necessary to increase taxation. You have assets in Sind which after a certain time will be productive. It seems to be thought that it will be nearly 20 years before the Sukkur Barrage is productive, but it will be productive then and apparently very productive; that seems to be the general view. You have the port of Karachi which you all say you can make more productive. You have, therefore, possibly increasing sources of revenue, not immediately but in the future. I do not know whether it is the general view of the Committee that that would be a proper sort of conclusion for us to come to. If it is, I should be prepared to draw up a report on those lines. I should like to know the feeling of the Committee on that.

Mr. Chintamani: May I trouble you to read the terms of reference to the sub-Committee.

Chairman: The terms of reference were to consider the question of constituting Sind as a separate Province. That is the whole of the terms of reference.

Sir Abdul Qaiyum: We do not want to go into details.

Chairman: The sort of words I would suggest would be something like this, that before a final decision is taken a Committee should be constituted in India to examine the question of the separation of Sind in its financial aspect, and to report if they consider the separation to be financially practicable. That is the sort of limitation.

Mr. Moonje: With one addition: ascertaining the desire of the people for separation.

Chairman: Is that a proper matter for a purely financial Committee?

Mr. Chintamani: No, it is not necessarily for the Financial Committee.

Dr. Moonje: Just one minute, Sir. If it is not the real desire of the people to have separation, why should we force separation upon them?

Chairman: Of course in everything I said I assumed there was no question as to that.

Dr. Moonje: How are we to know, because we are getting contradictory wires; one set of people say they want separation and another set of people say they do not. How are we to say?

Sir S. N. Bhutto: Some people say they do not want any advance and they do not want Dominion Status. Are we to take any notice of those wires?

Dr. Moonje: May I finish? There is one other matter to be taken into consideration. If my information is correct, at the present moment it seems that the Hindus pay a larger amount of revenue in proportion to the population to the Sind administration, and if it should be found that in the event of extra taxation the burden would be placed more upon the Hindus than upon the Mussulmans, the question would arise as to whether there is a real desire for separation. That is a matter which has to be ascertained.

Sardar Sampuran Singh: The Hindus pay income tax while the Mussulmans pay land tax. Of course the Hindus may be paying more taxes if they are richer. The Muhammadans are mainly paying the land revenue. It is not the same kind of tax.

Dr. Moonje: The point is, if there is a possibility of extra taxation being imposed, whether the people really desire to have that burden of extra taxation for the sake of separation. That is the point.

Sir Abdul Qaiyum: I am not going into details; I will confine myself to the terms of reference.

Mr. Mody: May I suggest that we adjourn today and meet tomorrow, as there are so many members who desire to speak.

Chairman: I think we might get on as far as we can tonight if you do not mind.

Sir Abdul Qaiyum: Provided we are brief, we can finish. My point is simply this, that this question of the separation of Sind from Bombay is not novel; it has been before the public in India from time immemorial—I will say since the annexation, and has been fully discussed; whether Sind wants separation, or whether only the Mussulmans want separation. The facts have been fully discussed. The last and biggest public assembly which discussed it was the Congress, at which the different views were expressed, and the Hindu view especially was expressed. After full consideration of the pros and cons of the case, it was decided that if financially Sind could bear the cost of separation, it should be separated.

So, that decision having been arrived at after years and years of discussion by the whole of India practically, Hindus, Mussulmans and others, it must I think be taken as definite that the question of separation—whether one community likes it or whether it does not like it—is settled or should be settled here. From the public point of view it is settled. From the official point of view it ought to be settled now.

The question of finance remains. That condition was attached by the Congress and that question is still before us. I am very sorry that, although we were coming to this Conference, and the Government both here and in India knew, and the Bombay Government knew, that this question was going to be laid before the Conference, no earlier opportunity was taken to take it up; no time was allowed for us to study the financial part of it with the facts and figures which are now being supplied to us at the eleventh hour.

I must say there are small matters which have been lost sight of, but there are others who will suspect perhaps that this question is going to be shelved again on this very point which should have been decided while we were there. We must, I think, decide at least that point, and put the provision that the financial situation should be gone into by a Committee and the necessary adjustment made. If we now raise that whole question of the feelings, it will be a very doubtful case if the whole question is put in the form of a condition providing that financially it is sound, even then it will become very doubtful. To my mind the separation has been clear for ages now, and it is not really the separation, but the recognition of a separate unit which already exists. As was so well put by Sir Ghulam Hussain the other day, it was always there, and we have simply to satisfy its separate existence. I do not know if the liabilities of Sind will be very great, due to this Barrage scheme. On the other hand, I believe that it is the possible or probable income of that Barrage that makes Sind so much coveted by Bombay. I believe that Bombay is looking forward to gain much out of it—either that or the opening up, as some gentlemen have said, of Mesopotamia or even of Persia with the new railway system as far as the Persian Gulf. Perhaps it is the prosperity of Sind which is really in the way—the future prosperity of Sind. Otherwise sound financiers like the Bombay people, Mr. Mody and others, would not care to be so very generous and charitable while their own people are starving as the result of one thing or another. No, it is the covetousness of getting something out of that development that is influencing Bombay Presidency.

Mr. Mody: I do not think that Sir Abdul is quite fair in saying that.

Chairman: You will not raise further discussion, will you, Sir Abdul, by making charges of that sort?

Mr. Mody: I think it is very unfair to us.

Sir Abdul Qaiyum: Well, I think it is really the gain that is counted really, not the loss.

Chairman: But may we consider the actual question before us, if you do not mind?

Sir Abdul Qaiyum: Well, I will not say anything more, because what I thought I would say would only raise that question which need not be discussed here, because on these figures that my friend Sir S. N. Bhutto referred to it is exactly the same position. We want further advance, and there are obstacles in the way.

Raja Narendra Nath: I should like to say a word or two. Reference has been made to the Nehru Report and to the recommendations of the Indian National Congress. The Indian National Congress once did espouse the Nehru Report, but the Nehru Report must be taken as a whole and not piecemeal. The way in which the Nehru Report solved the Minority question and the question of Minority rights is not the way now recommended by the Conference—at least, I do not know what the eventual form of minority rights will be, and the way in which the constitution will protect minority rights, but I invite particular attention to clause 6 and clause 13 at page 102 of the Nehru Report: "All citizens are equal before the law and possess equal civic rights. . . . . No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling." This is not the fundamental rights which my friends will at all be willing to accept, so the two things ought not to be separated. What I want to say is this, that if reliance is placed upon the recommendations of the Congress or on the recommendations made in the Nehru Report, this part of the Nehru Report, the way in which the Nehru Report proposed to solve the minority question, should not be ignored. That is all I want to say.

Sir Abdul Qaiyum: Thank you; but I thought that the question was solved on its merits.

Chairman: Well, Sir Abdul, you have had your say.

Dr. Shafa'at Ahmad Khan: May I say one thing. I want to be perfectly clear that when we desire separation we also wish to safeguard the rights of the minority in Sind most adequately. Have as many safeguards as you like—more, even, than are granted to the minorities in other Provinces. So that so far as the minority question is concerned I do not think it should be used as an excuse for delaying separation. I think I shall be supported by those in Sind when I say that on this question there is virtually no difference of opinion between the Hindus and Muhammadans of Sind. Practically all communities agree on principle that Sind should be separated.

Dr. Moonje: I question that.

Dr. Shafa'at Ahmad Khan: There are, of course, a few persons here and there who are opposed to it; you are bound to find a few.

The second question with which I should like to deal is what is called the political question. In my humble opinion the sub-Committee must

recommend the principle of separation. There are two questions involved, the principle of separation and the constitution of Sind as a separate Province, and it is the second question which is the financial question. If it is proposed to refer both these questions, the political and the financial, to one and the same Committee, which will conduct an investigation later, I must tell this sub-Committee that this question will not be solved. We must decide on the political question here and now; the financial question we must leave to an expert body. On the political question, I should say most members of the sub-Committee practically agree that Sind should be separated, provided, of course, the financial adjustments are made and so on.

Raja Narendra Nath: And provided minority rights are adequately safeguarded in the way the minority wants. It cannot be for Sind alone. The clauses I read were from the fundamental rights of citizens, and that has not been adopted by the Conference; that clause defining the fundamental rights has not been adopted by the Conference.

Dr. Shafa'at Ahmad Khan: This question is going to be discussed to-morrow in the Minorities sub-Committee, and should not be brought in here with a view to preventing an impartial discussion of a question like that of the separation of Sind.

Chairman: We cannot have it here, I agree.

Raja Narendra Nath: The political question cannot be separated; you must give adequate safeguards to minorities.

Chairman: Yes, but the safeguarding of minorities, like the extension of the franchise, is a question which applies to all India and does not arise on this particular question.

Dr. Shafa'at Ahmad Khan: Whatever proposals are made about this need not be accepted by any member of the sub-Committee unless the safeguards for minorities are adequate.

Sir Abdul Qaiyum: On the lines of other Provinces.

Raja Narendra Nath: No; that is just the difficulty. Wherever my Muslim friends are in a minority they want certain rights, and where they are in a majority they want certain rights of a different kind, and so there is controversy.

Charman: It is really a minority question that you are raising, and it is out of order.

Raja Narendra Nath: The political aspect of the case was discussed, and it was said that politically it is settled. That is why I raised this point.

Dr. Shafa'at Ahmad Khan: With regard to Mr. Mody's proposal, if you examine it closely you will find it is practically the same, with certain minor modifications, as the proposal of the Bombay Government and the proposal of the Simon Commission. There has been no advance, so far as I can gather, since that time, and you know that opinion in the Province, and I should say in the whole of India, has swung round to the view that Sind should be separated with the least possible delay.

Chairman: I do not think you should say it is no advance. Assuming this report becomes part of the report of the Round Table Conference, it is surely a considerable advance that the Round Table Conference has declared itself in favour of the separation of Sind.

Dr. Shafa'at Ahmad Khan: To that extent technically it would be an advance, but this has already been recommended by the Government of India and the Simon Commission. I know this is a very honourable body and will have greater weight. Of course, if the Round Table Conference puts its seal of approval on the proposal made by Mr. Mody it will be a great advance, but I am speaking of the proposal as such, and as such I submit it is practically the same as that of the Simon Commission and the Bombay Government.

Chairman: I should have said the exact opposite.

Mr. Foot: The Bombay Government was opposed to it. Do you mean the Government of India?

Dr. Shafa'at Ahmad Khan: My proposal is practically the same as that of Mr. Jinnah, namely that Sind should be separated from Bombay and that the question of finance should be decided by a separate expert Committee later on. The principle of separation should not be mixed up in that at all.

Lord Zetland: I am very much impressed with the arguments which have been put forward in favour of the creation of a new Province, and I notice that the Nehru Report suggested that even if this resulted in a deficit that should not be allowed to stand in the way of the self-determination of the people of that particular area, namely Sind. They went on to urge that the denial of the right of self-determination on purely financial grounds would be bound to lead to great dissatisfaction and to impede the progress of Sind. I do not want to go further into that, but that was the view expressed by the Nehru Committee.

I think that possibly we might go a little further than was suggested by Mr. Mody. I think his suggestion was a good one, but I should like to suggest that we might go a little further in this way. Could not we first of all say that on these general grounds we do consider it is desirable that a new Province should be created, but that considerable doubt has been thrown upon the financial capacity of Sind to bear the burdens of a new Province, and that on that point we cannot possibly express an opinion because we have not the necessary material; and that therefore we consider that an expert Committee must be set up to examine the financial position. Then could not we go on to say that if, as a result of that investigation, it was found that Sind would not be a deficit Province, then well and good; let the creation of the new Province be proceeded with. If, on the other hand, the result of the investigation showed that there would be a deficit in the budget of the new Province, then the representatives of Sind should be invited to show how they would meet the deficit before a new Province was created. Could not it be done in that sort of way?

Chairman: Yes.

Mr. Chintamani: I entirely agree with the proposal of the noble Marquess. I wish only to add—and that is covered partly by the proposal which the noble Marquess had made—that after the financial position has been ascertained the Government of India should also take steps to ascertain the wishes of the people.

My precise meaning is this. After the expert financial enquiry is concluded, and the report is before the Government, at that stage the wishes of the people of Sind should be ascertained.

Chairman: How?

Mr. Chintamani: There are the voters for the Legislative Council, the district boards and so on.

Chairman: I see—representative associations?

Mr. Chintamani: Yes, representative associations. My reason is this. There will be many people who at the present moment are enthusiastically in support of separation, but whose enthusiasm may be somewhat cooled down if they

find separation will involve them in the payment of fresh taxes or in additional financial burdens. I think, therefore, it is only fair and businesslike that their wishes should be ascertained after the financial investigation has been made and its results are known; it should not be taken for granted that all who are in favour of separation now will continue to be in favour, or that all who are against separation now will continue to be against after knowing exactly where they stand. That is one point which personally I should like to add to the proposal which the noble Marquess has made. The other thing is a proper financial adjustment between the Government of Bombay and the Government of Sind.

Chairman: That is of course understood.

Dr. Shafa'at Ahmad Khan: That is a detail. I should like to make a suggestion. The proposal which Lord Zetland has made needs some consideration, and we should be glad if this meeting could be adjourned until to-morrow for that reason.

Chairman: We have not any time to spare, and I should like, if possible, to have some sort of draft report before the sub-Committee to-morrow. May I take it the general sense of the sub-Committee would be in favour of the separation of Sind, subject to the financial enquiry either as Mr. Mody and I suggested it or going rather further as Lord Zetland suggested it? I will try to draw up a report which will incorporate both those views, if possible, or adjust them, and if I may I will draw up a report on those lines.

Sir P. Sethna: Will you add Mr. Chintamani's proposal?

Chairman: It is rather a dangerous proposal.

(The sub-Committee adjourned at 6.50 p.m.)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE NO. IX (SIND) HELD ON 14TH JANUARY, 1931.

Draft Report.

1. The members of the sub-Committee, over which I presided, were:—

Lord Russell (Chairman).
Lord Zetland.
Lord Reading (for whom Mr. Foot acted as substitute).
H.H. the Aga Khan.
Mr. Jinnah.
Sir S. N. Bhutto.
Sir G. Hussain Hidayatullah.
Sir Abdul Qaiyum.
Sir M. Shafi.
Dr. Shafa'at Ahmad Khan.
Sardar Sampuran Singh.
Dr. Moonje.
Mr. Jayakar.
Raja Narendra Nath.
Mr. Chintamani.
Mr. Jadhav.
Sir P. Sethna.
Mr. Mody.
Sir H. Carr.

The terms of reference were to consider "the question of constituting Sind as a separate Province."

The sub-Committee sat on 12th and 13th January, and has authorised me to present this report.

2. The sub-Committee did not enter in their discussions into the wider question of the redistribution of the provinces in India.

3. They consider that the racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper; the geographical isolation of Sind from Bombay, the difficulties of communication between the two and the insistency with which separation has been advocated provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate provincial Government there.

4. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real, but they do not believe them to be insuperable.

5. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable. It appears that separation would involve an annual deficit in the budget of the provincial Government of Sind. If the Sukkur Irrigation Scheme is financially successful this deficit should in time disappear, but it is estimated that the scheme would not begin to increase the ordinary annual revenue of Sind until about 1946. Meanwhile, there might be no money available for the construction of fresh irrigation works nor of the roads and railways, which will be required when the Sukkur scheme bears fruit. Nor would it be possible to carry out any development of the nation-building services. The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable, but that before a decision is taken a committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation.

St. James's Palace,

14th January, 1931.

Discussion.

Chairman: I am sorry that we have not been able to circulate a draft report to the sub-Committee so far, but I think one will be ready in about a quarter of an hour. Until it comes perhaps we might continue talking about the financial position and any possible reservations that we might make on that point.

I ought to tell the sub-Committee that personally I am nervous about the financial position of a separated Sind. I am by no means satisfied that it would be able to be self-supporting, and that there would not be quite a considerable deficit—half a crore at least, and probably more. The figure given is something like 90 lakhs, which is very nearly a crore. I am nervous about it, and I feel some difficulty myself in pronouncing a final decision on the separation here, or in suggesting a final decision on the separation, in the absence of better knowledge than we have got.

Lord Zetland is not as frightened as I am, and he is much more familiar with India, so that I am inclined to defer to his opinion; but I should like to hear what the sub-Committee says about that.

Personally, I feel a little inclined to accept the principle of separation, but to leave the final decision until some independent and impartial finance committee in India has reported on what the result of separation would be, because I am a little nervous that a separated Sind would be a deficit Province, which means, as I said yesterday, bad administration and a deficit which has got to be borne by somebody—I suppose by the Government of India.

Dr. Shafa'at Ahmad Khan: If you leave the principle of separation to be settled in India by a committee, then the whole question will have to be gone into over again in India.

Chairman: It was not my idea to leave the principle of separation to be settled by some other committee; this further committee which is suggested would simply report on the financial results of separation, and, when it was seen what the financial results would be, the principle of separation would be settled, I suppose, by the Government of India and the Government of this country in the light of the decisions of that committee. I did not suggest that that committee should settle the principle of separation; that was not my idea.

Mr. Mody: My proposal was somewhat different.

Dr. Shafa'at Ahmad Khan: Yes.

Sir P. Sethna: As was also that of Lord Zetland.

Mr. Mody: I thought you agreed in the main with my suggestion, that we should pronounce an opinion in favour of separation provided that it was found, on examination by an independent committee, that adequate financial and administrative adjustments could be made and that Sind was capable of financing herself.

Mr. Chintamani: May I know what is involved by the acceptance, Sir, of what you call the principle of separation?

Chairman: I think that is a little difficult to say, but I cannot help feeling that if the Round Table Conference accepted the principle of separation it would probably be more difficult for anybody to go back on it afterwards, notwithstanding a small deficit.

Mr. Chintamani: Would it be like accepting the principle of Dominion Status for India, leaving everything for future consideration?

Chairman: I do not want to be dragged into that!

Mr. Chintamani: I do not want to drag you into anything, Sir, but I do want to know to what I am committing myself if I accept the principle of separation. I am entirely in accord with the principle that the wishes of the majority of the population must be carried into effect if it is at all practicable to do so. The wishes of the majority of the people, however, should not be merely in vague and abstract terms which may be incapable of application in practice; those wishes must be stated and must be ascertained when it is known that a certain proposition is feasible administratively, financially and in other ways. For instance, we can all raise our hands in support of the proposal that Sind be separated, leaving everything else to be determined in the future, in such a manner that what we have voted for may never be fulfilled; but that would be of no practical value. Once it is seen that Sind can be a self-supporting Province, then the acceptance of the principle and the direction that that principle be carried into practice are thoroughly intelligible; but if, without knowing whether that is a practicable proposition or not, we say we accept the principle of separation, and then it is found that without additional taxation which the people are not able or are not willing to pay it cannot be given effect to, I see no good in accepting the principle.

Chairman: Surely there is this virtue in it, is not there? It means we have been impressed, as I think all of us have, by the case for separation. That is my own feeling.

Mr. Chintamani: I will at once subscribe to a principle worded as you have just put it, namely, that we are impressed by the arguments in favour of separation. I am not in the least hostile to the principle or to the proposal; all I want is that we should not be parties to the creation of a Province which may not be able to maintain itself in an efficient condition; we should not incur that responsibility. Secondly, we should not be parties to a proposition which may not be acceptable to the people themselves. I have no doubt whatever that the people of Sind by a large majority want separation now, but I want that to be made clear after they know to what they are committing themselves by becoming an independent Province, and after they realise that an independent Provincial administration may cost them a great deal more. I am not speaking in a hostile spirit.

Mr. Foot: As you know, Lord Reading was a member of this sub-Committee on the understanding that I should take his place if he could not attend. He wishes me to express his regret that, owing to the pressure of other sub-Committees, he cannot attend. I have been in consultation with him, however, after each sitting of this sub-Committee, and I am in general agreement with the views expressed by Lord Zetland yesterday. Those are also the views of Lord Reading who, of course, speaks from his own knowledge of India. Before the sub-Committee sat I read what had been said on the subject by the several Commissions and other bodies which have dealt with it, and particularly what was said in Chapter 10 of the memorandum submitted by the Government of Bombay to the Statutory Commission, which is the memorandum, I think, in which the particulars and facts are more fully set out.

Speaking academically, I think that the case for separation has been made out. Leaving out the financial considerations for a moment, I think the geographical separation—the very considerable difference from the rest of the Presidency—does justify the claim that has been made. I think, too, that the evidence we have before us shows that at present there would be an overwhelming majority of the Sind people in favour of separation.

Mr. Chintamani: At present, certainly.

Mr. Foot: Yes, at present; I quite agree with Mr. Chintamani that that may be all. That being so, I think that this sub-Committee would be entitled to come to the conclusion that they approve the demand that is made for the separation; the only question that arises, I think, is as to the financial terms, the possibility of Sind becoming a self-supporting Province, and also the point which has been raised by Mr. Chintamani as to whether or not there should be a further consultation of the opinion of the people when the financial terms have been more definitely ascertained. I should like Mr. Chintamani, if he would, to make clear what he requires on that. Does he suggest something like a plebiscite?

Mr. Chintamani: No, my suggestion is much more modest. I would ascertain the opinion of the people in the manner which is familiar to every Government in India, namely by taking the opinion of the elected members from Sind in the Bombay Legislative Council and the opinion of the district boards and other local bodies in Sind, the Landholders' Association, the Muslim League, the Hindu bodies, the Chambers of Commerce and so on; that is all.

Mr. Foot: I think, Lord Russell, that there is substance in Mr. Chintamani's argument on that point, if I may say so with all respect. It may be that in general terms the people of Sind strongly approve separation at the present time by a substantial majority, but it is possible that when the financial facts have been definitely ascertained that opinion may change, and the people may say "There has been put before us a prospect of such financial burdens that we would rather bear the ills we have than fly to others that we know not of."

Mr. Chintamani: That is a possibility.

Mr. Foot: I should imagine that if the special committee or commission that will go into the question of the separation of Sind gives detailed and impartial consideration to all these financial facts, it would itself suggest such a safeguard; it would itself suggest that after the facts have been ascertained by an impartial tribunal—I think that is what Lord Zetland himself suggested—there should be some means then secured for ascertaining what the opinion of the people of Sind is in the light of the new facts.

I think Sir Shah Nawaz Bhutto, who spoke yesterday, and Sir Ghulam Hussain Hidayatullah would themselves agree that the criticism they made of the Government of Bombay's figures is a criticism that we are not able to accept, because obviously that should be a matter of close examination and cross-examination of the several witnesses that are brought forward.

On those general lines, Lord Russell, I would express my agreement with what I believe to be the opinion of the majority of the members of this sub-Committee. I think that those safeguards—I do not like the word "safeguards," we have heard it, perhaps, too frequently in the last two or three weeks; I will say those provisos—should be made, for we do not want to create in India a semi-bankrupt Province that will be a source of weakness to the whole community. With that proviso I could support the general proposal.

Chairman: It seems to me we are all in general agreement. I want to make my own feeling perfectly clear. My view is much the same as that of Mr. Chintamani and does not differ much from that of Lord Zetland. I should like to be able to find, quite simply, that it is desirable that Sind should be separated. That is what I should prefer to be able to do, but I cannot help being a little frightened by the figures which have been produced. I cannot help feeling that if the new Province would have a heavy deficit I should be taking rather a rash responsibility in the interests of good government if I made that recommendation, and that I want, in some way or other, to safeguard the situation. I think we are all agreed on that; the only question is as to the best way of safeguarding the situation with regard to a possible or probable deficit afterwards. Is not that all we want to do?

Mr. Foot: I think so, yes.

Mr. Chintamani: If I may make a respectful suggestion, it should not be very difficult for us to put our thoughts in this form: that we are impressed by the case for separation on general grounds, but that we can recommend separation only when it is made clear that Sind can be financially a self-contained Province and that the people will be willing to bear such additional burdens as the creation of a separate Province may entail on them. We have no material before us to enable us to pronounce on that question, and therefore we recommend the constitution of a committee to report on the financial position, and then, when the Government make sure that the people will have separation on those terms, they should act accordingly. They should treat the question of the separation of Sind not as an abstract proposition for the future but as a matter of immediate importance, and they should make no unavoidable delay in setting up this committee and taking the further consequential steps.

Sir Abdul Qaiyum: May I ask one question to remove my doubts? I should like to ask Mr. Chintamani this. You know that this question of a deficit is before the people of Sind, both Hindus and Mussalmans, and in spite of that they have been sending telegrams and howling for separation. Do you think that, even if a deficit is proved, the sentimental aspect of the case, the geographical aspect and the other conveniences that will follow from the separation of Sind will be subordinated to that deficit?

Mr. Chintamani: I cannot say.

Sir Abdul Qaiyum: You see, this question of a deficit has been before the people of Sind for years and years now.

Mr. Chintamani: But they deny that there will be a deficit.

Sir Abdul Qaiyum: What I want to know is this. Do you think that if this deficit of Rs. 60,000 which is now put before us——

Sardar Sampuran Singh: 60 lakhs.

Sir Abdul Qaiyum: Do you think that if this deficit of 60 lakhs that is now put before us is proved, that will subdue the sentiment of the people of Sind in favour of separation? Has it not been before those people who are crying for separation, and who want separation on other and more important considerations?

Mr. Chintamani: Have I your permission, Sir, to give a brief reply to that?

Chairman: Yes, certainly.

Sir M. Shafi: When Mr. Chintamani is replying to my friend's question, may I also invite his attention to this fact, so that when replying he can have it in mind. The formula suggested by Mr. Jinnah in the proposal he put forward yesterday contemplated in clear language that after separation Sind would bear its administrative expenses itself.

Sir P. Sethna: And if it cannot, Sir Muhammad, you do not want separation?

Sir M. Shafi: Why should it be assumed it cannot?

Sir P. Sethna: I am sorry you were not here yesterday or during the earlier part of our meeting this morning. That is what we are considering: supposing it cannot, what then?

Sir M. Shafi: Sind must cut its coat according to its cloth. I am not prepared to assume it cannot. If it cannot by reducing expenditure or by additional taxation balance the budget—Well, I cannot, with the experience I have had of preparing budgets, really assume such a possibility. I think Sind ought to be able to meet its expenses.

Sir P. Sethna: That is not an answer to the question.

Mr. Chintamani: My reply to Sir Abdul is this. If he will pardon me for saying so, in the whole of the discussions during the last half dozen years on the question of the separation of Sind, the one aspect which has been brought forward by the advocates of separation as well as by the opponents of separation has been the communal aspect. I am very glad that that aspect has been very much in the background in the discussions in this Committee. It is not the financial and economic aspects of the problem that have been before the public. I think this statement of mine must be admitted as a mere matter of fact. There are many cases where many people wish to have many things, but their enthusiasm is cooled when they know what the cost is of obtaining those things. I do not say that the enthusiasm of the people of Sind will cool down; I do not say that in the least; but we must give them a chance of knowing exactly where they will stand when they are a separate Province if Sind is made a separate Province. Instead of committing ourselves or others irrevocably to a proposition the full consequences of which are not at present clearly before us, we should recommend the appointment of a Committee. I think that is a merely prudent and business-like attitude. It is not that I am in the least hostile to the separation of Sind. I am prepared to accede to the proposition on ground of geography and on administrative grounds that Sind, as an outlying part of the Bombay Presidency, is at a considerable disadvantage, and should have an opportunity of shaping her own destiny. All that we, as a sub-Committee should do is this. We should make a recommendation which will enable the people of Sind to know what will be the cost of this separate existence, and then if they say, "We are ready to bear the cost," then there is no reason why they should not become a separate Province.

Chairman: I was going to say the same thing in different words. I was going to point out that you cannot run a Province on sentiment and my cold, practical British mind is trying to find how this Province will be run afterwards if it is separated.

Lord Zetland: Might I intervene there? Would not the suggestion I made meet most of these points? My suggestion was that the Expert Committee which it is proposed should be set up should be strictly limited in its terms of reference to ascertain the financial position as it would be if a new Province was created. If, as a result of the investigations of that Committee, it was shown that Sind would not be a deficit Province, so much the better: then the creation of the new Province could go ahead without further consideration. But, on the other hand, if the investigations of the Expert Committee showed that Sind would be a deficit Province, my suggestion was then that the representatives of Sind—shall we say the representatives of Sind in the Bombay Legislative Council—should be asked how they propose that the deficit should be met if the separate Province was created. Now, that would give everybody in Sind an opportunity of understanding exactly what the position would be. The representatives of Sind would then have to put forward perfectly definite proposals for meeting the deficit, and they would have to show that those proposals were practicable.

Mr. Foot: And acceptable to their people.

Lord Zetland: And, if you like, acceptable to the people of Sind. If they were not in a position to do that, then clearly the formation of a new Province would not be practicable. But I assume, from what has been said by the members of the sub-Committee on this side of the table that they have no apprehensions of that kind. In the first place, they think that Sind would not be shown to be a deficit Province. In the second place, they think that even if it was shown to be a small deficit Province they would have no difficulty in putting forward proposals which would satisfactorily meet the deficit.

Sir S. N. Bhutto: For argument's sake, Sir, even if it is conceded that our Province is a deficit Province, why are we expected to have a luxurious administration such as Bombay is maintaining.

Mr. Foot: You mean that you would not be a deficit Province.

Sir S. N. Bhutto: Therefore that is the only thing that we can consent to—the investigation of finance. No other obstacle should be put in our way, because we have suffered enough and we cannot afford to suffer any more.

Mr. Foot: I think we are agreed upon that.

Lord Zetland: Do you agree to the proposal which I put forward?

Sir Muhammad Shafi: If some formula could be devised which would embody a recommendation of this sub-Committee in favour of the separation of Sind, with a proviso that a Committee should be appointed to consider the financial aspect of the matter, then on the receipt of a Report from that Committee, if upon investigation it is found that Sind is not a deficit Province or can be made self-supporting by the adoption of certain means, separation shall be given effect to, I think that would be all right.

Sir S. N. Bhutto: That is the same as what the Noble Lord has suggested.

Chairman: There is another thing. When the deficit is ascertained, supposing Sind is found to be a deficit Province by the finance committee, if it is not a large deficit, it might be that the Government of India would think it worth while to bear that deficit for a number of years in order to enable the separation of Sind to be proceeded with.

Sir S. N. Bhutto: Why shouldn't they, when they would get 3 crores out of the Province without giving anything in return?

Chairman: That, at the proper time, you will fight out with the Government of India.

Sir S. N. Bhutto: Then why have we come here? Why not have stayed in India and fought out everything with the Government of India?

Mr. Foot: How can we decide that, Sir?

Sir Abdul Qaiyum: We are simply shifting the burden of certain decisions to others and delaying the matter. That is my humble opinion. Otherwise the expenses can be cut down, further taxation can be imposed, adjustment can be arrived at. Put that condition that the adjustment must be made.

Sir S. N. Bhutto: We do not want any financial help.

Sir Muhammad Shafi: There is a great deal in what Sir S. N. Bhutto has said about the expensive character of the administration as it is carried on at present. The average which he has pointed out per head in Bombay and Madras clearly shows that this supposed deficit of 60 lakhs, even if it does exist, is capable of easy

adjustment by reduction of expenditure, and, if necessary, by imposing additional taxation to the tune of 10 or 15 lakhs in order to make up the budget. Therefore I venture to submit that, bearing in mind the *a priori* grounds, which I submit are absolutely irrefutable, in favour of the separation of Sind, the sub-Committee ought to pronounce its judgment in favour of separation and direct that a Committee be appointed to make the necessary financial adjustments.

Chairman: May I bring the thing nearer to a head by reading the draft Report which you will all have before you in a minute or two when the copies arrive, and then we can discuss it on those lines and see whether it meets the point. The fourth paragraph deals with a different matter, but I think I ought to read it:

"They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real but they do not believe them to be insuperable." That disposes of the administrative point. Then this is paragraph 5:

"They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable. It appears that separation would involve an annual deficit in the budget of the provincial Government of Sind. If the Sukkur Irrigation Scheme is financially successful this deficit should in time disappear, but it is estimated that the scheme would not begin to increase the ordinary annual revenue of Sind until about 1946. Meanwhile there might be no money available for the construction of fresh irrigation works nor of the roads and railways which will be required when the Sukkur Scheme bears fruit. Nor would it be possible to carry out any development of the nation-building services. The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable but that, before a decision is taken, a Committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation."

Sir S. N. Bhutto: We are not convinced of all these difficulties.

Sir Abdul Qaiyum: I do not believe that the difficulties are real, other than the financial difficulties.

Sir Muhammad Shafi: And there are no administrative difficulties at all, really.

Dr. Moonje: Without considering from the general point of view whether Sind should or should not be separated, I take strong objection to the manner in which the question has been brought up before the public and also before this sub-Committee. We have already had separate electorates in our country, and that system has created a division between Muslims and non-Muslims in India. I do not like to give my support to a principle which will divide India into a Muslim and non-Muslim India. Therefore, on the larger question, on the question of principle, I am opposed. I am, however, not opposed to, or rather I would welcome, the idea of a reorganisation of Provinces from the administrative point of view, and if in that scheme of a reorganisation of Provinces Sind is found to be a good proposition for separation it should be considered. In the scheme of reorganisation it may be found that perhaps it should be joined on the Punjab. That also is a problem to be considered. Therefore on the principle I am opposed to the manner in which the question is being brought before this sub-Committee.

There are two points on which I should like to say something. Mr. Jinnah has said, and the question has been very much emphasised, that even if Sind is a deficit Province the Government of India should provide the money for creating Sind into a separate Province. I cannot subscribe to that principle, that for the mere luxury of a separate Province——

Mr. Jinnah: Sir, I did not say that.

Chairman: Mr. Jinnah did not say that. He said that in spite of that the sub-Committee ought to conclude that it should be separated.

Mr. Jinnah: Yes, and that the Bombay Presidency should be relieved from its perpetual white elephant.

Dr. Moonje: If I have not understood Mr. Jinnah, then of course it is a different thing. If he says that the deficit is found the Government of India should come to its help, then my objection stands.

Then his second point is that it is for the good of the people. That is exactly what I want to know. Therefore I support the point of Mr. Chintamani, that really an enquiry should be made as to whether it is for the good of the people that Sind should be separated and that whether the people really desire the separation of Sind. As for the increase of taxation, the increase of burden, I do not think it would be right to decide upon the meeting of the deficit by increase of taxation without first ascertaining the real wishes of the people of the place. Now, much prominence has been given to the question of race, to the question of language, to the question of ethnological differences in arguing for the separation of Sind.

Chairman: And geography.

Dr. Moonje: And geography in arguing for the separation of Sind. If the same considerations are applied to the Bombay Presidency, let us see how it stands. Linguistically its people speak Gujerati—an entirely different language—Mahratti—an entirely different language—Karnatak—an entirely different language. A part of them are an entirely different people linguistically and racially. I am only taking it for the sake of argument, because I believe that we are all racially one people really; but that is an entirely different thing. I will take it for granted, for argument's sake, that we are racially different. Then the Bombay Presidency is composed of one race, the Gujerati, a second race the Mahratta, a third race Karnatak, and a fourth race of the Mangalore district which is entirely different from the Belgaum Karnatak people; and if that principle is going to prevail, then perhaps the Bombay Presidency is to be broken up into three or four provinces. Therefore I do not think that that principle could be taken as a safe ground for deciding upon the separation of Sind.

The best course, in the circumstances, would be that a Boundary Commission may be appointed, and that the Boundaries Commission may go into the question of Sind, and according to its recommendations the action would be taken. I am therefore opposed to the manner in which this question has been brought before the sub-Committee, and the principle of separation which will divide India into a Mussalman India and a non-Mussalman India, and which may act as a vicious principle leaving other people to make demands in the same way. Perhaps a time may come when Eastern Bengal, having a larger population of one community, may be separated from Western Bengal because that has a majority of

another community. It may lead the Sikhs to say in the Central portion of the Punjab that, because they are in a majority, therefore the Central portion of the Punjab should be separated, and made a single Province. This is a principle which is a vicious principle, just as the system of separate electorates is a vicious system, and I think, as we are now experiencing the vicious evil effects of separate electorates through having promised them, let us not commit the same mistake over again and introduce another principle which, instead of uniting India into a whole, will be a fruitful source of disintegrating India into small groups unable to stand with each other. There is also another point, Sir, that whatever scheme about the separation of Sind may be decided upon it is very necessary that the wishes of the people should be consulted first. The creation of any new Province primarily or solely with a view to increasing the number of Provinces in which a particular community happens to be in a majority is fraught with danger to the growth of sound patriotism in the country, and will contribute to the growth of a sentiment favourable to the division of India into a lot of separate groups. I am therefore opposed in principle to the manner in which this question has been brought before the sub-Committee, although I am quite willing to consider the larger question of the redistribution of Provinces in India.

Mr. Mody: I do not propose to follow Dr. Moonje into the contentious points he has raised. I am not criticising Dr. Moonje or the point of view that he has placed before us, but I think we have had enough of this communal business and I think it ought not to be allowed to obtrude itself before every aspect of the deliberations of the Conference. I should like to confine myself to the draft that you have just placed before us.

I am not in agreement with the draft for the reason that it goes much beyond the proposition which I placed before the sub-Committee yesterday. My proposition was this—that this sub-Committee, basing its recommendations on the assumption that there is an overwhelming demand for separation on the part of the people of Sind, should pronounce itself in favour of the principle of separation, but that, as we have not got sufficient facts and figures before us, this sub-Committee recommends that an enquiry be set up in India immediately with a view to ascertaining the financial capacity of Sind and with a view also of finding out whether any political adjustments can be made between Sind and the Bombay Presidency proper. If the findings of the Committee are that Sind is capable of financing herself, as our Muhammadan friends who have asked for the separation of Sind have tried to make out, then the separation automatically comes into effect.

What you have placed before us is in the nature of a series of objections, and I think they are capable of damning the principle of separation if put in that form. I therefore am not able to subscribe to the draft which you have placed before us. Let us not talk of the difficulties; let us not quote them in the way in which the draft has quoted them; because if all these things go out, then naturally the principle of separation becomes absolutely impossible.

I therefore would again repeat the proposition which I placed before you yesterday, and which, with a little amendment, was supported by Lord Zetland; that is that, on general grounds, assuming that there is an overwhelming demand for the separation of Sind, we should support the principle of separation, but that a Committee should be set up to examine the financial aspect of the question, the Committee to have no power to look into the principle of separation but to confine itself to finding out how the financial liability would be met.

Chairman: Now that we have the Report before us, I think we had better take it paragraph by paragraph. But before doing that, I would like to read two suggestions here. One is a draft of my own; one is Mr. Chintamani's draft, and we can consider them when we come to that part in the Report, but I might read them now.

This is what I drafted this morning: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. Some members are, however, doubtful as to the financial stability of Sind as a separate Province; the sub-Committee therefore recommend that an impartial Committee in India should examine carefully the probable revenues and expenditure of a separated Sind, including the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable." Those last words I take from you, Mr. Jinnah. "If the report of the Financial Committee shows that a separation would impose a financial burden upon Sind, the decision for separation should be liable to reconsideration."

This is Mr. Chintamani's: "The sub-Committee have been impressed with the arguments in favour of the separation of Sind from the Presidency of Bombay, and would recommend on general grounds that it is advisable to make Sind a separate Governor's Province. They deem it necessary further to recommend that a competent enquiry into the financial aspect of this matter should be held, such enquiry to be instituted without any loss of time, and the result of the enquiry published for general information. If the Government of India are then satisfied that the people of Sind want separation, it should be carried into effect, subject to an equitable adjustment of the financial claims of Bombay, and the provision of suitable safeguards for legitimate minority interests."

It is obvious we are all aiming at the same thing; it is a question of how to get there. Now may we have the Report paragraph by paragraph. Paragraph 1 is of course formal.

Mr. Chintamani: If you do not mind, before you do so I should like to say a word, in order that the opinion of Dr. Moonje on the various questions which he has raised in his speech should not be deemed to be the opinion of the Hindus generally on this question. I do not want the question of Sind to be thrown into the melting-pot by being considered with the case of all other Provinces, or other claims for separate Provinces. The case of Sind does deserve special consideration and also urgent consideration.

Never mind what has been said outside the Conference. I am particularly sorry that while the advocates of the separation of Sind have taken the most scrupulous care in presenting their case before this sub-Committee on general grounds and not in the least on communal grounds, the communal aspect should have been brought to the fore by Dr. Moonje. If the advocates of separation had done that here, then it would have been the duty of Dr. Moonje to have replied to that. But be it said to their credit that they have not done so. I have heard every one of their speeches during the last two days, and I must say, as I have already said, gladly and gratefully, that they have not uttered one single word of a communal character in the presentation of their case. So that I wish that my friends over there should not be under the impression that, whatever doubts and difficulties we may have in going with them the full length with regard to immediate separation, those doubts and difficulties are based upon communal grounds. They are not based upon communal grounds; they are based upon non-communal grounds. Our views are represented by Mr. Mody and by the draft I have submitted to you.

Sir Muhammad Shafi: We gratefully acknowledge the fact that the proposal put forward by Mr. Chintamani is a proposal based not on any communal grounds but on grounds which appear to him to be substantial. As regards his proposal, we shall discuss that later on.

Dr. Moonje: May I say a word, Sir?

Chairman: No, Dr. Moonje. Must you?

Dr. Moonje: Only one word. I do not say that I represent the entire Hindu feeling; I do not say that; I have never claimed it; but India knows which opinion will be accepted, and the Hindus of India will know which opinion will be accepted. That is all; I have nothing more to say.

Chairman: Now may we take the Report? I take it that paragraph 1 is formal and is agreed to. Paragraph 2 really deals with what I think Dr. Moonje was partly raising: "The sub-Committee did not enter in their discussions into the wider question of the redistribution of the Provinces in India."

Mr. Chintamani: Is that necessary? The terms of reference preclude such consideration.

Mr. Mody: Why should it be said at all?

Mr. Chintamani: If we had attempted to do so, you would have ruled us out of order.

Chairman: I do not know that it is necessary to say it; it is merely a statement of fact.

Sir Muhammad Shafi: Why should we say this at all?

Lord Zetland: I think we ought to leave it out.

Chairman: Very well, we will leave it out; I do not know that there is any point in it.

Lord Zetland: It is outside the terms of reference.

Sir Muhammad Shafi: It is outside the terms of reference.

Chairman: "3. They consider that the racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper, the geographical isolation of Sind from Bombay, the difficulties of communication between the two and the insistency with which separation has been advocated, provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there."

Sir S. N. Bhutto: Why "majority," Sir?

Chairman: What do you want to say instead?

Sir Muhammad Shafi: What my friend means is this. The words are "differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper." He suggests that the word "majority" should be struck out there.

Dr. Shafa'at Ahmad Khan: It is redundant.

Sir Muhammad Shafi: It is not a case of majority; the two people are quite different.

Sir S. N. Bhutto: Quite different.

Mr. Chintamani: I have to move an amendment that covers that.

Chairman: Of course, there may be some dissentients in either case.

Sir Muhammad Shafi: There is no question of dissentients.

Mr. Chintamani: I move that all this be deleted, namely "racial, religious, and linguistic differences between the majority of the inhabitants of Sind and the majority of the inhabitants of the Presidency of Bombay proper." Differences exist inside the Bombay Presidency excluding Sind; they are found in every single Province. I doubt if there is any single Province in which there is only one language, only one religion, and only one race. It is not special to the case of Bombay and Sind, and therefore there is no reason why emphasis should be given to it as is done here. The omission of this does not detract from the merits of the case for separation such as they may be.

Chairman: I thought we were told in the first speech that was made here by Sir G. H. Hidayatullah that the difference in their races and their customs did make a difference in the sort of administration they desired.

Mr. Chintamani: But even if Sind were excluded, there would be similar differences within the Presidency of Bombay proper; for instance, there are Kanarese, and so on.

Sir Muhammad Shafi: I think the word "differences" there is out of place and should be struck out.

Mr. Jinnah: Would you accept this: They consider that the people of Sind are different from the people of Bombay proper linguistically, geographically and ethnologically.

Lord Zetland: I do not think that quite meets it. What do you mean when you say a people are different geographically?

Mr. Jinnah: Geographically there is no connection.

Lord Zetland: The whole point is geographical isolation.

Mr. Chintamani: Are the Mussalmans of Sind racially or ethnologically different from the Mussalmans of the Bombay Presidency?

Sir Muhammad Shafi: Yes, they are quite different.

Sir S. N. Bhutto: Yes. In Bombay almost all are converts.

Lord Zetland: Would not the sub-Committee agree to this: They consider that the racial and linguistic differences between the inhabitants of Sind and of the Presidency of Bombay proper—

Chairman: Yes.

Dr. Shafa'at Ahmad Khan: Yes, that is quite all right.

Sir Muhammad Shafi: Yes, that is right.

Chairman: They consider that the racial and linguistic differences between the inhabitants of Sind and of the Presidency of Bombay proper—. Yes, that will shorten it.

Mr. Jinnah: And then you can say: and the geographical isolation of Sind from Bombay.

Chairman: "And the geographical isolation of Sind from Bombay, the difficulties of communication between the two and the insistency with which separation has been advocated provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there."

Sir Muhammad Shafi: I am satisfied.

Chairman: Does that satisfy the sub-Committee now?

Mr. Chintamani: Sir, in paragraph 3, page 2, line 2: "the insistency with which separation has been advocated." I suggest the addition of the words "by a majority of the people."

Chairman: But you have just taken out "majority" in the first place.

Sir Muhammad Shafi: No, that is with regard to racial differences. Mr. Chintamani's point is with regard to the insistency with which separation has been advocated.

Mr. Chintamani: That would be strictly correct and would not detract from the merits of the case.

Chairman: Well, if you think it necessary. Do you think it necessary?

Lord Zetland: Do you agree with that, Sir Muhammad Shafi?

Mr. Jinnah: I should say we leave it there, because as it stands it cannot be taken to mean that it is unanimous.

Mr. Chintamani: I think what I have proposed would be a far more correct statement of the position.

Mr. Jinnah: The words are "and the insistency with which separation has been advocated." That means there is a very strong insistence; that is all.

Mr. Chintamani: "The insistency with which separation has been advocated" is capable of the interpretation that it has been advocated by all; that there is no difference of opinion at all.

Sir S. N. Bhutto: If you say: by the Mussalmans, the moderate Hindus, Parsees and Europeans.

Mr. Chintamani: I am not bringing in either the word "Hindu" or the word "Muhammadan." I agree that the case for separation has been pressed with insistence; I entirely agree with that.

Mr. Jinnah: Then leave it there.

Mr. Chintamani: But that means the whole of them; I suggest: "the insistency with which separation has been advocated by a majority of the people."

Mr. Jinnah: Can this be understood to mean the entire body of the people?

Sir S. N. Bhutto: We have 95 per cent. with us.

Mr. Chintamani: I do not press it.

Chairman: Yes; I think it is really not worth while.

Sir Muhammad Shafi: Leave it as it is.

Mr. Chintamani: Yes.

Chairman: May I take it paragraph 3 is agreed?

Lord Zetland: Yes, as amended.

Chairman: "4. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind. They consider that these difficulties are real, but they do not believe them to be insuperable."

Sir Muhammad Shafi: We do not agree with this. Really it was pointed out that in fact the administrative difficulties, such as they are, lead to the conclusion that Sind ought to be separated.

Sardar Sampuran Singh: It is only a statement of fact.

Sir S. N. Bhutto: Yes, that you may say.

Sardar Sampuran Singh: We do not say we consider it to be so.

Chairman: Yes, we do say that.

Lord Zetland: Yes.

Mr. Jinnah: Simply say: "They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable." We do not say that the difficulties are real.

H.H. The Aga Khan: They are not negligible.

Mr. Jinnah: But they are not insuperable.

Sir S. N. Bhutto: I do not think the Government of Bombay will be able to show more than one per cent. cases where their heads in the Presidency have differed from the opinion given by the heads in Sind; they only confirm it.

Mr. Chintamani: My opinion is that this paragraph should be deleted, because in every operation of this description there are bound to be some difficulties of a routine nature.

Sir Muhammad Shafi: Then drop the whole of it.

Dr. Shafa'at Ahmad Khan: Yes, drop the whole of it.

Mr. Chintamani: But mention should also be made of administrative advantages; undoubtedly it will be more advantageous to Sind to be mistress in her own household than to be attached to the Presidency of Bombay.

Chairman: I confess that for my own part in everything I have heard in this sub-Committee I have not been impressed by administrative difficulties in separation; I was rather impressed by the point of view that they might have less administrative difficulties.

Mr. Chintamani: I therefore move the deletion of this paragraph of the Report.

Chairman: I think we ought to mention it, as it is mentioned in the report of the Bombay Presidency, but we might change the words.

Mr. Jinnah: Very well. I suggest we should drop the words: "They consider that these difficulties are real," merely saying that "they do not believe them to be insuperable."

Chairman: "They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable." That is one sentence. Is that right?

Mr. Jinnah: Yes.

Mr. Chintamani: Well, if it satisfied them; but it does not satisfy me.

Chairman: "5. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to say whether the separation of Sind is financially practicable." You have this before you, and you have various other suggestions. I understood a general objection was taken to raising these details of objection: the Sukkur Irrigation scheme, the money for fresh works, and the development of nation-building services.

Sir Muhammad Shafi: That is quite unnecessary.

Mr. Mody: I would suggest you leave the first two sentences of paragraph 5. Then delete the others, and come to this: "The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable but that before a decision is taken, a Committee should be constituted," etc. We will alter the wording later on, but all these intermediate sentences should go. We should leave these statements of facts that no detailed examination of

the financial consequences has been made, and that on the figures available this sub-Committee is unable to say whether separation is financially practicable.

Mr. Chintamani: That on the material available the sub-Committee is unable to say what the financial consequences of separation will be.

Chairman: Look at sentence No. 3, which begins "It appears —." Do not you think we should say that on the figures presented to us it would appear that separation would involve an annual deficit?

Mr. Mody: I would not like to say that, because that statement has been challenged, and we do not want to enter into any controversial aspect of it. We do not want even to suggest anything which would go to the question of separation. Leave it as a statement of facts.

Sir Muhammad Shafi: "They note that no detailed examination of the financial consequences of separation has yet been made." Stop there; strike out the following words down to "nation-building services."

Mr. Foot: Mr. Mody suggests the next paragraph: "On the figures available to them —."

Mr. Mody: That is also a statement of facts and it ought to stay. That does not prejudice you at all.

Chairman: That I think is a very material statement, that we are unable to say that. That affects my mind very much.

Mr. Mody: If we were able to say that, we would say yes at once. Therefore it is only a statement of facts and I do not think it prejudices anybody. The second sentence should also stay.

Mr. Jinnah: I do not follow; I thought you suggested that only two sentences should stand?

Mr. Mody: Yes, the first two.

Mr. Jinnah: "They note that no detailed examination of the financial consequences of separation has yet been made." That is a fact.

Mr. Mody: Yes.

Mr. Jinnah: After having noted that, what do you propose to say?

Chairman: "On the figures available to them they are unable to say whether the separation of Sind is financially practicable." I think we must say that, because that is what is at the back of our minds; otherwise we should advocate separation at once and have done with it.

Mr. Chintamani: Instead of "practicable" I would suggest the word "sound."

Chairman: "Practicable" is all right, I think.

Sir P. Sethna: "Sound" is suggested.

Chairman: We say we cannot come to a decision on that point. That is the real excuse for setting up a financial committee.

Mr. Jinnah: That is true, Sir, but again you are giving importance to those figures; you seem to indicate that you feel it is not practicable.

Chairman: No, I am not saying that; I am saying that on the figures available we cannot say whether it is or not.

Mr. Jinnah: There we do not agree.

Mr. Foot: Others take a different view.

Mr. Mody: I suggest you might put this in a more colourless form and say "On the figures available to them they are unable to pronounce a judgment on the financial question." That should meet Mr. Jinnah's objections.

Dr. Shafa'at Ahmad Khan: Yes, may we have that again?

Mr. Mody: "On the figures available to them they are unable to pronounce an opinion on the financial aspect of the question."

Mr. Jinnah: Quite right.

Dr. Shafa'at Ahmad Khan: That will do.

Chairman: That will satisfy me.

H.H. The Aga Khan: That is all we can say.

Lord Zetland: I suggest we say "are unable to express an opinion" instead of using the word "pronounce."

Dr. Shafa'at Ahmad Khan: Yes.

Mr. Mody: All right.

Mr. Jinnah: "On the figures available to them they are unable to express an opinion on the financial aspects of the question."

Chairman: Very well. Does the sub-Committee agree to that? (*Agreed.*)

Now we come to the really material part, namely, what form of words—we can settle the actual words afterwards—the sub-Committee feels inclined to adopt here. I read out mine and I have read out Mr. Chintamani's and we have also had Lord Zetland's.

Mr. Jinnah: I was not present when Lord Zetland's was read.

Chairman: I will read them out again. What Lord Zetland suggested yesterday was that after speaking of the setting up of a Committee, and so on, we should say: "If, on the other hand, investigation shows that separation would leave the new Province with a deficit, we think the representatives from Sind should be asked to show how the deficit would be met by the new Province." The words I suggested were: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. A number of our members are very doubtful as to the financial stability of Sind as a separate Province. The sub-Committee therefore recommend that an impartial Committee should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the report of the financial committee shows that separation would impose an undue burden upon Sind or the Government of India, the decision for separation should be liable to reconsideration."

Mr. Chintamani's words are these: "The sub-Committee have been impressed by the arguments in support of the separation of Sind from the Presidency of Bombay, and would recommend on general grounds that it is advisable to make Sind a separate Governor's Province; but they deem it necessary further to recommend that a competent inquiry into the financial aspects of this matter should be held. Such an inquiry should be instituted without any avoidable loss of time, and the results of the inquiry published for general information. If the Government of India are then satisfied that the people of Sind want separation it should be carried into effect, subject to an equitable adjustment of the financial claims of Bombay and the provision of suitable safeguards for legitimate minority interests."

Mr. Mody: My suggestion would be to confine ourselves to the draft which we have.

Lord Zetland: My proposal is only an addition to come at the end of paragraph 5.

Mr. Mody: My suggestion is that we first of all confine ourselves to the draft which is before us, and I would recommend that the next three sentences should be deleted—from "It appears" down to "nation-building services." Those sentences should be deleted. Let us go on with the draft and see what alterations we can make.

Mr. Jinnah: We have come to that now.

Mr. Mody: No, we have not.

Chairman: The elimination of these sentences has not yet been agreed to. What does the sub-Committee feel about it?

Mr. Jinnah: I thought we had already got as far as paragraph 5. We had got as far as "services"; the intervening sentences were struck out.

Chairman: No, not yet. So far we have only got down to "aspects of the question."

Mr. Jinnah: Let us finish that.

Chairman: The suggestion now is that the words from "it appears" down to "nation-building services" should be struck out.

Mr. Mody: That is my suggestion.

Chairman: I do not know what the sub-Committee feels about it.

Lord Zetland: I agree.

Dr. Shafa'at Ahmad Khan: I think so.

Sardar Sampuran Singh: Do not you think these two opinions do exist? There are two opinions. There is the opinion that it would be a deficit province and there is the opinion that it would not be a deficit province. If it were not for the fact that we thought it might be a deficit province there would be no question of establishing a committee of inquiry.

Lord Zetland: Yes, but we have just said we can express no opinion on the financial aspect of the question. It is rather illogical, having just said that, to go on and put forward a lot of sentences which specifically deal with the financial aspect of the question.

Sir M. Shafi: The sub-Committee is not in a position to express an opinion on this question, because two views have been expressed and there is not sufficient material before the sub-Committee to express a decision on them. If the sub-Committee goes on to add what follows here it is really inconsistent.

Sardar Sampuran Singh: No, because this starts off with the words "It appears."

Mr. Mody: The point is we must not say anything which appears like prejudging the issue. The independent committee will deal with this matter; let them come to any conclusion they like. Why should we say anything about the question being very difficult, or that we do not think it practicable? Leave it to the committee.

Mr. Jinnah: When you have this note, that no detailed examination of the consequences of separation—the financial consequences—has yet been made, and if then we say that on the figures available we are unable to express an opinion on the financial aspect of the question, then we should stop at that; let us express no opinion. It will be for the committee to be appointed to go into this.

Sir M. Shafi: Into the whole thing.

Mr. Jinnah: Yes.

Chairman: I rather agree; I think that is logically correct. These next sentences deal with subjects which will be referred to the financial committee for consideration.

Dr. Shafa'at Ahmad Khan: We are appointing the committee for this purpose.

Chairman: Do the sub-Committee agree to take these sentences out?

Mr. Jinnah: So far we agree.

Chairman: I want to be sure. Do the sub-Committee agree to take this out? (*Agreed.*)

Mr. Jinnah: Then we come to this: "The sub-Committee therefore consider that the creation of a new Province . . . . " and so on.

Sir M. Shafi: I suggest here the elimination of all these words—"The sub-Committee therefore consider that . . . . a committee should be constituted."

Mr. Jinnah: One moment, please; we must get at the principle. Let us see what principle we are going to lay down; we must lay down some principle. That is why I was trying to apply my mind to Lord Zetland's draft, to which I had not the opportunity of listening.

Chairman: Would you like to see these other two also? (*Papers handed to Mr. Jinnah.*)

Mr. Mody: My feeling is that instead of considering new drafts we should see if a little alteration of this will not serve our purpose.

Chairman: Well, we will see.

Sir H. Carr: That is the right line to take: stick to this draft.

Mr. Mody: All you need to do is to make it more definite, if our friends do not think it is definite enough. If this draft can be improved and can be made acceptable, we need not consider fresh drafts.

Mr. Jinnah: The only part of your draft which seems to me unnecessary is the last part. Personally, and, of course, subject to what other members may say—I am speaking for myself just now on the spur of the moment—my view is this. You say "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted." So far I see no objection.

Chairman: No, you would not, Mr. Jinnah, so far.

Mr. Jinnah: Then you say "A number of our members"—I should prefer to say "Some of our members," not "A number."

Chairman: I did say "some" first of all; "A number" was somebody else's correction.

Mr. Jinnah: I would prefer "some." May I take the liberty of altering that?

Chairman: As far as I am concerned you may; that is what I put originally.

Mr. Jinnah: "Some members are very doubtful as to the financial stability of Sind as a separate Province." That is quite correct.

Lord Zetland: Now we are in conflict with what we have just said—that we cannot express an opinion on the financial aspect of the question. May I suggest the draft in the Report, with some modification, is really the best.

Chairman: Perhaps we could take the draft in the Report, and work on that.

Mr. Jinnah: If you will allow me to say so, I would prefer the first part that has been read out from the draft instead of what you have here; "The sub-Committee therefore consider that the creation of a new Province of Sind is on the whole desirable."

Lord Zetland: I would leave out the words "on the whole."

Dr. Shafa'at Ahmad Khan: What is "on the whole" for?

Sir M. Shafi: I think paragraph 3, which we have already approved, is quite sufficient for that purpose, and there is no need to repeat the same thing in paragraph 4.

Mr. Jinnah: The other is merely a recital; this is the operative part.

Chairman: Paragraph 3 only says that it is an impressive case.

Mr. Jinnah: Will you allow me to finish? When the drafts are placed before us at the last moment like this it is very difficult.

Chairman: I agree.

Mr. Jinnah: We must have the operative part in.

Chairman: Yes.

Mr. Jinnah: And that is what I am endeavouring to do. The operative part is paragraph 5. I agree with Lord Zetland; I do not mind if these words are dropped—"Some members are very doubtful as to the financial stability of Sind as a separate Province." I quite agree they are superfluous, and I am willing that they should be dropped, because we have already said we have not the materials before us. We say "The sub-Committee therefore recommend" and this is our recommendation; after having endorsed the principle we make a recommendation. We say "The sub-Committee therefore recommend"—instead of "an impartial committee" I would say "an expert committee"; committees are always impartial.

Chairman: Quite true.

Mr. Jinnah: We can assume we shall have an impartial committee. "An expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable." Up to that point I endorse it. Then you contemplate another stage, and it is this to which I object. "If the report of the financial committee shows that separation would impose an undue burden upon Sind or the Government of India, the decision for separation should be liable to reconsideration." Now, when the Government of India gets the report, and the report shows that it is impossible for Sind to bear the expenditure itself, and that it is impossible to induce anybody else to bear that expenditure except the poor Bombay Presidency, they may say "We cannot do anything"; but why do you contemplate that now? Do I make myself clear?

Chairman: Quite.

Mr. Jinnah: I say, therefore, that the last part is superfluous and unnecessary.

Chairman: Surely not? What is to happen if the committee reports that Sind cannot possibly be separated?

Mr. Jinnah: The Government will decide, on the basis of the report, what should be done.

Chairman: The last sentence shows that in spite of our approving the principle we still leave that open.

Mr. Jinnah: Suppose it is impossible; you do not contemplate an impossibility!

Sardar Sampuran Singh: It only makes the thing clear.

Mr. Jinnah: The decision, of course, will be the decision of the Government of India or of the British Government; the committee will only make a report.

Mr. Chintamani: What precisely is your proposal?

Mr. Jinnah: My proposal is this. I accept the Chairman's draft subject to these last words being left out.

Mr. Chintamani: What would you substitute for them?

Mr. Mody: Might I suggest, first of all, that the two sentences read out by Mr. Jinnah should in the first instance be accepted, and we should then take a decision on the contentious part.

Mr. Jinnah: I agree. There are three sentences.

Mr. Mody: No, two; one has been deleted.

Chairman: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted." You want to take out my doubts about the financial stability?

Mr. Mody: Yes.

Mr. Chintamani: That sentence is not in this draft Report.

Sir H. Carr: It is in the Chairman's draft.

Chairman: It is in the draft I made this morning; it is not in the Report. "The sub-Committee therefore recommend that an expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkar Barrage, and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable."

Sir P. Sethna: You want to stop there, Mr. Jinnah?

Mr. Jinnah: Yes.

Chairman: Mr. Mody suggests we should accept that first, and then consider what we should do afterwards.

Mr. Mody: Yes.

Chairman: I think we had better take it as a whole. The reason for going on to the last sentence is clearly this. We have accepted the principle of separation; that is to say, we have said we think it desirable; and that may be held to conclude the matter no matter what this expert committee finds. I think we ought, in the same document, to point out that if the expert committee finds the thing is impracticable, the question must still be regarded as open. I think we should go as far as that.

Lord Zetland: Then I prefer my addition. If that does happen—if the investigation of an expert financial committee shows that there will be a certain deficit if a new Province is created—I prefer my suggestion.

Mr. Jinnah: I agree with that.

Lord Zetland: I think it is up to the representatives of the proposed new Province to show how they suggest the deficit should be met.

H.H. The Aga Khan: By taxing themselves.

Mr. Jinnah: I agree.

Dr. Shafa'at Ahmad Khan: May I suggest that we should say "expert finance committee" and not simply "expert committee."

Sir P. Sethna: Does not the word "expert" cover that?

Sardar Sampuran Singh: Both "impartial" and "expert" are implied.

Mr. Jinnah: The committee will be appointed for the purpose of considering the financial question; that is all.

Dr. Shafa'at Ahmad Khan: And therefore will confine itself to finance.

Mr. Jinnah: The draft says they will examine the question in its financial aspect.

Lord Zetland: I am inclined to think the original draft is the best—"The sub-Committee therefore consider that the creation of a new Province of Sind is desirable but that before a decision is taken ———."

Several Members: No.

Mr. Jinnah: Let us stick to the other one.

Lord Zetland: We might leave out "before a decision is taken" and say "but that an expert financial committee should be constituted in India to examine the question of the separation of Sind in its financial aspect and, if the result of their investigation should be that separation is financially practicable, to make recommendations on the means by which the financial stability of a separated Sind could be ensured, and the financial adjustments which would be necessary and equitable upon such separation."

Mr. Jinnah: I agree with the Chairman's draft with the addition suggested by Lord Zetland. Your last sentence can go in this draft. Instead of those three sentences you might put that.

Mr. Foot: Mr. Jinnah's point is that comparing the Chairman's draft with the draft that has been submitted to the sub-Committee, the operative parts in the addendum are much more definite than in the original.

Mr. Jinnah: Quite; that is the point.

Mr. Foot: But he is still desirous that the proviso of Lord Zetland should be appended to that.

Chairman: What would this proviso be?

Mr. Jinnah: The top one.

Chairman: "If, on the other hand, investigation shows that separation would leave the new Province with a deficit, we think that the representatives of Sind should be asked to show how the deficit would be met by the new Province."

Mr. Jinnah: That is right. I agree.

Mr. Foot: Instead of "If, on the other hand," you will have to put, "If, however".

Chairman: No, "If, on the other hand" is all right.

Lord Zetland: Well, that was drafted to follow on the other.

Chairman: It will follow on in the same way.

Lord Zetland: It does not follow on yours.

Chairman: Oh, on mine, no, perhaps not; if you are adopting this, you mean. No, it would not follow on that.

Mr. Foot: Will you read the two paragraphs as in your amended draft, followed by Lord Zetland's and then we can see how it goes.

Chairman: Before I do that I would just point out that, of course, Lord Zetland's draft does say that the question will be left open, but it does not say so clearly: "the representatives of Sind should be asked to show how the deficit would be met." Well, if they do not show it, what then?

Mr. Jinnah: Then if they do not show it the Government will have to decide. It leaves it open.

Chairman: I agree, by implication; but I would rather not have had it by implication.

Mr. Jinnah: It leaves it open.

H.H. The Aga Khan: It necessarily means that. That is the plain English of it.

Chairman: Would the sub-Committee prefer to have Lord Zetland's sentence at the end?

Mr. Foot: Would you read them all together?

Chairman: I will read them all together if it is the desire of the sub-Committee: "The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. The sub-Committee, therefore, recommend that an Expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show how the deficit would be met by the new Province."

Mr. Jinnah: That is right.

Mr. Mody: Would it not be better to say that the representatives of Sind *shall* make an investigation?

Sir P. Sethna: That decision will be taken by the Government. That is very vague.

Sardar Sampuran Singh: If there is no objection, why should there be any objection to making this clear.

Mr. Jinnah: I have no objection if you want to express it in that way. The ultimate decision must rest with the Government. Put it in that way if you like.

Chairman: Yes, if you would say, after "would be met," "the ultimate decision resting with the Government of India," that would meet me.

Mr. Jinnah: "The ultimate decision to rest with the Government"—whether it is the Government of India or whatever it may be; "the Government."

Lord Zetland: My original words, which somebody has altered, I think, would have met that point. I do not know who altered that. My original wording, at the end of my draft, was "should be asked to show how the deficit should be met before the new Province is set up."

Chairman: That will meet me entirely.

Mr. Mody: That is better.

Sardar Sampuran Singh: If you put such words here, then the final action by the Government of India will depend upon this Report.

Sir Muhammad Shafi: "Before the new Province is set up" includes everything.

Sardar Sampuran Singh: What I am afraid of is that in the enthusiasm words may be misconstrued afterwards, so I want to make it very clear from the beginning instead of there being a quarrel about words.

Chairman: But I do think that this addition of Lord Zetland's really does make it perfectly clear. I am quite prepared to accept that.

Mr. Chintamani: I would prefer also that that sentence should be put in. I prefer Mr. Jinnah's form.

Mr. Jinnah: " Before the Government sets up the new Province."

Chairman: Surely Mr. Jinnah's words cover the thing exactly. It means that the new Province will not be set up unless these difficulties are removed. That is all I ask. That is surely all that any of us can ask, is it not?

Mr. Chintamani: To come back to the beginning of the statement, I must say that I prefer the language of this typed draft to the new draft which you are substituting for it.

Chairman: Well, naturally, so do I, because I drew it; but I am quite prepared to accept Mr. Jinnah's as meeting my point. Won't you do that, too, Mr. Chintamani? Shall I read them all again once more just to see that we have got it clear? " The sub-Committee are so impressed by the strength of the arguments in favour of separation that they have come to the conclusion that the principle of separation should be accepted. The sub-Committee, therefore, recommend that an Expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also make an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives from Sind should be asked to show how the deficit would be met before the new Province is set up."

Mr. Chintamani: If this new draft is to prevail, instead of saying " The sub-Committee are *so* impressed *that* they recommend," I would say that " the sub-Committee are impressed *and* they recommend."

Chairman: We have passed those words already.

Mr. Chintamani: In view of the important financial reservation, I think that the first draft more correctly represents the position; but as the latter draft is preferred I would ask you to substitute the words that I have mentioned.

Mr. Jinnah: I am quite willing that the word " so " should go out.

Mr. Chintamani: " *And* they recommend."

Sardar Sampuran Singh: There is one big omission in this. We say that we are impressed, we say that an enquiry committee should be established, and we say that the representatives of Sind should be asked how they will make up the deficit, and no separate Province, before that is done, will be created—no separate Province of Sind—but we never say, we never even give an inkling, that there is another alternative also, that if there is no explanation, and if it is a deficit province, if that is the result of the enquiry committee, there will be another thing also—that we also desire that there should not be a separate Province.

Dr. Shafa'at Ahmad Khan: It is all implied.

Sardar Sampuran Singh: It is there by implication, but the whole burden of this draft is that anyhow it must be separated and some way must be found out of it for making it a separate Province.

Sir Abdul Qaiyum: And then, on the other hand, if you leave it to the Committee, then you do not decide on the principle; you leave even the principle uncertain.

Sardar Sampuran Singh: What I want to make definite is this—that if the financial committee finds that this is a deficit province, and no ways and means are found so that it will not be a deficit province, then in that case we should make it perfectly clear that there should not be a separate Province. We are leaving that aspect altogether.

Sir Muhammad Shafi: But the words " before the new Province is set up " clearly mean that.

Sir Phiroze Sethna: No, I think that is very vague. If we say " before that decision is taken " it is all right. What do you say here—that members be asked whether they will be able to contribute towards the extra taxation. It has been pointed out that the taxpayers in the Bombay Presidency pay Rs.6: 8: per head. Well, that makes the case worse; but if this contention is correct that there is a deficit of a crore of rupees and the population is 33 lakhs, it means that the tax will increase by a further Rs.3—that is instead of Rs.6: 8: the Sind taxpayer will have to pay Rs.9: 8. How is he to pay, and where from? According to Sir Shah Nawaz Bhutto the peasant there and everybody there is so very poor that they cannot afford it.

Mr. Jinnah: Sir Phiroze Sethna, why do you assume that the representatives cannot show a practical way of bearing the burden? If they cannot show it, then the Province cannot be set up as a separate Province.

Sir Phiroze Sethna: Yes, but may this Committee take it for granted that if the representatives cannot show the ways and means whereby the taxation can be paid by themselves, Sind is not to be separated?

Mr. Jinnah: Excuse me. After all, the Government cannot divorce themselves of the responsibility. Supposing the representatives of Sind are so stupid as to say " We are willing to pay 14 annas in the rupee tax for the purpose of separating Sind," the Government will say, " You are mad." That is all.

Sir Muhammad Shafi: Sir Phiroze, your argument is based on the assumption that the incidence per head of the expenditure of the new Province will continue to be Rs.6: 8: as it is now, and will import some addition. Your argument is based on that assumption. What we are saying is that your machinery is unnecessarily expensive, the Bombay machinery is unnecessarily expensive as compared with other Provinces, that in the new Province which will be set up that expensive machinery need not be maintained, and that the Province should be run on more economical lines than your Presidency is run at present.

Sir Phiroze Sethna: All I want to point out is that we are all for the separation of Sind, but Sind must stand on its own legs.

Sir S. N. Bhutto: That is right.

Sir Phiroze Sethna: Then if not, what is the recommendation of this sub-Committee? We must not be vague on that point.

Chairman: I will tell you, in view of the last words Mr. Jinnah accepted, what the recommendation of this sub-Committee is. The recommendation of this sub-Committee is that if Sind cannot show that it can stand successfully on its own legs the separation does not take place.

Sir Phiroze Sethna: If you can bring that out in the Report, that is all right.

Chairman: I think those words make it quite clear.

Sir Phiroze Sethna: That is all we want.

Chairman: I am satisfied about that now. When Mr. Jinnah accepted those last words he solved my difficulty.

Sir S. N. Bhutto: Probably you will only create further agitation.

Sir Phiroze Sethna: Is it better to use the word "deficit" or "recurring deficit?" What do you think?

Dr. Shafa'at Ahmad Khan: "Deficit" is all right.

Chairman: We must surely leave that to the intelligence of the financial Committee of the Government of India.

Sir Phiroze Sethna: I am trying to meet the point, because it is possible in a particular year you may say there is no deficit, but the question is whether there is going to be a recurring deficit. I am trying to meet that point.

Chairman: The financial committee of the Government of India will consider the point, of course.

Raja Narendra Nath: There is one thing to which I want to draw your attention. Would it not be better if you stuck to the facts—that the majority of the sub-Committee are in favour of separation?

Chairman: Well, I will say that if you wish it.

Dr. Moonje: I think it would be much better.

Chairman: Is there anybody who is not impressed by the strength of the arguments?

Sir Phiroze Sethna: In that case I think you might say the great majority, or the overwhelming majority.

Sir Muhammad Shafi: The overwhelming majority—the sub-Committee with the exception of Dr. Moonje and any other gentleman who is not impressed by the strength of the arguments.

Dr. Moonje: Let the facts be there.

Sir Muhammad Shafi: Or you might say "with two dissentients." There are only two dissentients.

Chairman: May I say "The sub-Committee, with two dissentients?"

Dr. Shafa'at Ahmad Khan: Mention the names.

Chairman: Do you want the names?

Mr. Jinnah: I do not want to be taken as a dissentient.

Dr. Moonje: I should prefer "majority."

Sir Muhammad Shafi: No, no; it is not a question of a majority, it is a question of the sub-Committee with two dissentients.

Mr. Jinnah: And mention their names, because I do not want to be misunderstood.

Mr. Foot: Mr. Jinnah is very anxious to see that Dr. Moonje should not miss any kudos.

Raja Narendra Nath: It is not necessary to mention the names.

Chairman: "The sub-Committee, with two dissentients?"

Dr. Shafa'at Ahmad Khan: Dr. Moonje and Raja Narendra Nath.

Raja Narendra Nath: I do not want names to be put in.

Sir Muhammad Shafi: Let him dissent if he likes.

Chairman: "The sub-Committee, with two dissentients."

Sir Muhammad Shafi: No, no; one.

Chairman: I am told that there are two.

Mr. Jinnah: Then mention the names.

Chairman: Do you want the names put in?

Lord Zetland: Mr. Jinnah is afraid that he may be thought to be one of the dissentients.

Chairman: Who are the dissentients—Dr. Moonje and Raja Narendra Nath?

Sir Muhammad Shafi: I thought that Raja Narendra Nath did not want to have his name mentioned.

Raja Narendra Nath: I do, because we have not arrived at any solution of the minorities question.

Chairman: Very well: "The sub-Committee, with two dissentients"—and I have put their names in—"are impressed by the strength of the arguments in favour of separation, and they have come to the conclusion that the principle of separation should be accepted. They therefore recommend that an expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show how the deficit should be met before the new Province is set up."

Sir S. N. Bhutto: That is complete now.

Mr. Jadhav: May I suggest that the word "satisfactorily" be inserted before "show"? Then I think the further thing will not be required.

Sir Muhammad Shafi: I have no objection to that.

Mr. Jinnah: I think that is understood really, but I do not mind.

Chairman: What is the suggestion?

Mr. Jadhav: Instead of "show," say "satisfactorily show."

Chairman: But that makes no difference. "Show" means "show to the satisfaction of the Government of India."

Sardar Sampuran Singh: That does not make any difference.

Sir Phiroze Sethna: If that does not make any difference I suggest that "a decision be taken" be inserted before "the new Province is set up."

Mr. Mody: I think there is no harm in putting in the word "satisfactorily."

Chairman: I am not going to split my infinitive—"to show satisfactorily." I am a purist in these matters. Now may I take it that, as altered now, the Report is agreed to?

Sir Phiroze Sethna: Did I understand Lord Zetland to say "to the satisfaction of the Government of India?"

Chairman: No, there is nothing about "to the satisfaction of the Government of India."

Mr. Chintamani: What word did Your Lordship add?

Chairman: "Satisfactorily." Are you all agreed? (*Agreed.*)

Chairman: That concludes our business.

(*The proceedings then terminated.*)

Sub Committee No. IX (Sind).

REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, HELD ON 16TH JANUARY, 1931.

1. The members of the sub-Committee were :—

Lord Russell (*Chairman*).	Dr. Shafa'at Ahmad Khan.
Lord Zetland.	Sardar Sampuran Singh.
Lord Reading (for whom Mr. Foot acted as substitute).	Dr. Moonje.
	Mr. Jayakar.
H.H. The Aga Khan.	Raja Narendra Nath.
Mr. Jinnah.	Mr. Chintamani.
Sir S. N. Bhutto.	Mr. Jadhav.
Sir G. Hussain Hidayatullah.	Sir P. Sethna.
Sir Abdul Qaiyum.	Mr. Mody.
Sir M. Shafi.	Sir H. Carr.

The terms of reference were to consider—

" The question of constituting Sind as a separate Province."

The sub-Committee sat on 12th, 13th and 14th January, and have authorised me to present this Report.

2. They consider that the racial and linguistic differences between the inhabitants of Sind and those of the Presidency of Bombay proper, the geographical isolation of Sind from Bombay, the difficulties of communication between the two, and the insistency with which separation has been advocated, provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there.

3. They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable.

4. They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to express an opinion on the financial aspects of the question.

The sub-Committee with two dissentients (Dr. Moonje and Raja Narendra Nath) are impressed by the strength of the arguments in favour of separation, and they have come to the conclusion that the principle of separation should be accepted. They therefore recommend that an expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the sub-Committee think that the representatives of Sind should be asked to show satisfactorily how the deficit would be met before the new Province is set up.

Signed on behalf of the sub-Committee,

RUSSELL.

St. James's Palace, London,

14th January, 1931.

APPENDIX IX.

Sub-Committee No. IX (Sind).

NOTE ON THE FINANCIAL ASPECT OF THE PROPOSED ESTABLISHMENT OF A SEPARATE PROVINCE OF SIND.

(Circulated to the sub-Committee by Direction of the Chairman (The Earl Russell.)

1. There is very little detailed information available upon which there might be based an estimate of the resources which a separate provincial government in Sind would have. The Statutory Commission recommended that if it is held that the time is ripe for the separation of Sind to be seriously considered, there would have to be a close and detailed enquiry into the financial consequences which would follow from such a step before a decision could be taken. The Government of India have advised that such an enquiry should be set on foot at the earliest possible date. In the Memorandum which the Government of Bombay presented to the Statutory Commission they said that they had not yet been able to examine thoroughly the financial aspect of the question. Subsequently a short note dated 15th October, 1928, was drawn up in the Finance Department of the Government of Bombay. A copy of this note is attached. The estimates contained in it were based on the figures of revenue and expenditure for the four years 1921–25 and the year 1927–28. The Government of Bombay were asked to furnish estimates based on more recent figures for the purposes of this sub-Committee, but as Sind has no separate accounts, no late figures are available.

2. At present the Government of Bombay incurs a deficit in respect of its administration of Sind. The average deficit for the four years 1921–25 was Rs. 24·8 lakhs. On the basis of the figures for 1927–28 it amounted in that year to Rs. 64 lakhs, and the Government of Bombay report that there is no reason to believe that the deficit has since decreased and the revenue from Stamps and Excise has seriously diminished. It will be further swelled by the creation of two new administrative districts consequent upon the development resulting from the Sukkur irrigation scheme. The annual cost of this is estimated at Rs. 6 lakhs.

3. The extra cost of the establishment of a separate provincial headquarters is likely at a conservative estimate to amount to Rs. 9 lakhs. Sind would also have to bear a proportion of the public debt of Bombay. It is arguable what proportion this should be and how it should be calculated.

4. Thus it is likely that the budget of a separated Sind would show an annual deficit amounting to between Rs. 50 lakhs and Rs. 90 lakhs. It is difficult to see how any appreciable portion of this sum could be met by increased or fresh taxation in Sind. Until the success of the Sukkur irrigation scheme is assured it would be financially unsound for a separate Government in Sind to incur further debt for the unproductive purpose of meeting an annual recurring deficit. The Government of India would have to make a grant to the Government of Sind and it is questionable whether in the present condition of its finances the Government of India would be in a position to make such a grant. Moreover, while the deficit existed there would be no funds available for the necessary development of railways and irrigation nor for the improvement of public health and education.

5. On the other hand, if the Sukkur scheme proves to be a success, Sind can look forward to greater prosperity. In the course of time the deficit will disappear. But the first charge upon the profits of the scheme must be the payment of the interest and sinking fund charges upon the money borrowed to finance it. It is estimated that in 1946, if all goes well, the profits will be sufficiently large to meet the whole of the annual charges on capital and they would begin to contribute something to the ordinary revenue of the province. Some further period must necessarily elapse before the surplus profits would remove the whole of the estimated deficit.

NOTE ON THE FINANCIAL ASPECTS OF THE PROPOSED SEPARATION OF SIND BY MR. G. WILES, C.I.E., SECRETARY TO THE GOVERNMENT OF BOMBAY, FINANCE DEPARTMENT, DATED 15TH OCTOBER, 1928.

This note deals solely with the financial aspect of the question, and neglects consideration of the difficulty of administering so small a unit in the matters of recruitment of establishments, sudden falls of revenue, high overhead charges and the like, and any political considerations.

The accounts of Sind are not kept separately. But so far as provincial revenue and expenditure are concerned, it is known that Sind had always been a deficit province before the Reforms. The actual figures of receipts and disbursements made in Sind have been gathered for the years 1921–25, and this note is based on those. Up-to-date figures are being collected and will be submitted in continuation of this note. There is reason to believe that they will not modify the conclusions arrived at.

2. The statements attached to this note show that since the introduction of the Reforms, Sind has failed to pay its way, the average deficit being some 25 lakhs. This figure excludes any contribution on account of the cost of the administration other than that of officers stationed in Sind. The statements are made up simply of the receipts and disbursements of the Sind treasuries as modified by certain annual adjustments. In considering the financial effect of the separation of Sind, therefore, the full cost of headquarter staffs must be added to the cost of administration.

3. There is reason to believe that the deficit on the administration of Sind is larger to-day than it was in 1925. Net Land Revenue (including Irrigation), Stamps and Excise, which are the chief sources of Revenue in Sind, have shown no increase since that year; on the other hand, the remission of the Provincial Contribution and the reduction of the Famine Assignment have set free for expenditure a sum of about a crore. Sind has not only had a subsidy from revenues of 10 lakhs a year towards the construction costs of the Barrage, but has also had its share in this expansion, and it is clear, therefore, that the excess of expenditure over receipts must have increased. The *prima facie* conclusion is confirmed by figures published by Prof. Chablani, a copy of which is attached. Prof. Chablani was given access to the Accountant-General's records, and his statement will shortly be checked by official figures. His total of revenue for 1927–28 is 174 lakhs and of expenditure (debited to revenue) 238 lakhs, making a deficit of 64 lakhs. There is no reason to doubt that a separated Sind will have to start off with a deficit of approximately this amount.

4. The additional cost of maintaining headquarter establishments cannot be easily ascertained. If we follow the Assam precedent, we may put it at about 9 lakhs. This figure may be roughly confirmed by the method of expenditure ratio. On the proportion of expenditure in the Presidency to Sind, a sum of about 6 lakhs would be required for a Governor's Staff, Legislative Council and Secretariat. To this must be added the cost of heads of Departments—Registration and Settlement, Forests, Agriculture, Excise, Jails, Medical, and so on. Moreover, the proportionate cost of administering a small province must inevitably be somewhat greater. Nine lakhs then may be taken as a conservative estimate.

5. No consideration has yet been taken of Sind's share in the capital commitments of the Presidency. Professor Chablani has argued that Sind cannot in equity refuse to take over its share of the public debt of the Presidency. This is a contentious point with which I need not deal in this note. I will include only interest on capital expenditure made in Sind. Interest on irrigation debt (excluding the Barrage) is included already in the figures of expenditure under the head " 14 Interest." There remains, therefore, capital expenditure on other purposes, viz., Civil Works, Public Health, and other works. This has amounted since 1921 to the sum of 107 lakhs; the interest charges on which are 5·85 lakhs; and some provision would be required for the repayment of principal (over a 30 years' period).

6. Sind would also have to take its share in the pre-reform debt on account of the Provincial loan account. At the end of the year the outstanding Provincial debt will be about 102 lakhs and the interest charges are at 4¾ per cent. In the absence of details we may assume that one-fourth of the debt is on account of Sind. The debt is being repaid (under the Devolution Rules) by annual instalments of 29 lakhs. This means a payment from Sind of roughly 8 lakhs for 3½ years.

7. The introduction of perennial irrigation into Sind by means of the Sukkur Barrage is necessitating the creation of two new administrative districts in the immediate future. The cost has been roughly estimated at Rs. 6 lakhs recurring and Rs. 10 lakhs non-recurring.

8. A separated Sind then must suffer under the initial heavy handicap of a deficit, which, based on figures of the years 1921–25, cannot well be less than 50 lakhs, and, based on more recent figures, is expected to be as large as 80 to 90 lakhs. To meet this deficit, Sind has no greater prospect in the immediate future of additional revenue than has the rest of the Province. That is to say, any help from a revision of the Provincial settlement must depend on future surpluses of the Government of India. Sind is not an industrial province, and could not, therefore, benefit to any extent from the revision that we hope for in favour of the industrial provinces. Apart from fresh taxation, Sind could therefore, only rely on the general increase in such revenues as Excise and Stamps due to an advance in prosperity and population, and to the additional revenue expected from the Sukkur Barrage. Now the receipts from sales of land and the additional land revenue estimated from the supply of water are fully mortgaged for many years to meet the debt being incurred in the construction of the barrage. It must under the most favourable circumstances be at least twenty years before any surplus receipts can be available for the general purposes of the administration.

9. The conclusion which this enquiry must, therefore, arrive at is this, that not for a generation at least could a separated Sind financially stand on its own legs.

STATEMENT OF PROVINCIAL RECEIPTS IN SIND FOR THE YEARS 1921–22 TO 1924–25.

(Figures in lakhs of rupees.)

	1921–22.	1922–23.	1923–24.	1924–25.
V.—Land Revenue	*144·2	83·5	72·1	62·0
VI.—Excise	31·0	35·5	40·3	39·1
VII.—Stamps	16·0	19·4	20·2	19·8
VIII.—Forests	8·0	6·2	6·3	6·9
IX.—Registration	1·8	1·6	1·5	1·5
IXa.—Scheduled Taxes	—	—	0·2	0·6
XIII.—Works for which Capital Accounts are kept.	1·1	36·5	39·3	39·2
XIV.—Works for which no Capital Accounts are kept.	0·5	0·5	0·1	0·1
XVI.—Interest	1·7	3·6	2·7	1·8
XVII.—Administration of Justice	1·5	2·1	1·9	1·8
XVIII.—Jails and Convict Settlements	0·8	0·8	1·0	1·2
XIX.—Police	0·2	0·3	0·2	0·4
XXI.—Education...	0·7	1·0	1·0	1·5
XXII.—Medical	0·2	0·4	0·4	0·3
XXIII.—Public Health	—	0·1	0·1	0·2
XXIV.—Agriculture	0·4	0·4	0·7	0·7
XXVI.—Miscellaneous Departments	0·1	—	0·1	0·1
XXX.—Civil Works	0·5	0·9	0·7	0·9
XXXIII.—Receipts in aid of Superannuation ...	1·4	1·7	2·1	2·0
XXXIV.—Stationery and Printing	0·2	0·2	0·3	0·3
XXXV.—Miscellaneous	0·2	0·3	0·8	0·3
Totals	210·5	195·5	192·0	180·7

* Inclusive of " Portion of Land Revenue due to ' Irrigation,' " which is shown in subsequent years under head " XIII."

STATEMENT OF PROVINCIAL EXPENDITURE IN SIND FOR THE YEARS 1921–22 TO 1924–25.

(Figures in lakhs of rupees.)

Major Heads.	1921–22.	1922–23.	1923–24.	1924–25.
Ordinary Expenditure.				
5—Land Revenue	23·0	40·1	39·2	13·8
6—Excise	2·5	1·3	1·3	1·9
7—Stamps	0·7	0·9	0·8	0·7
8—Forest	4·2	3·5	3·6	4·1
9—Registration	0·8	1·0	0·9	0·9
14—Works for which Capital Accounts are kept —Interest on debt.	11·4	12·9	16·2	21·5
15—Miscellaneous Irrigation Expenditure ...	38·2	23·1	13·5	23·1
22—General Administration	14·3	20·7	19·6	44·8
24—Administration of Justice	10·0	9·6	10·0	11·5
25—Jails and Convict Settlements	6·3	5·9	5·2	5·9
26—Police	40·8	36·1	35·1	36·0
27—Ports and Pilotage	0·1	0·1	0·1	0·3
31—Education	23·4	23·0	26·6	23·8
32—Medical	5·9	4·6	5·3	5·3
33—Public Health	3·1	3·5	2·9	2·9
34—Agriculture	3·5	3·3	3·3	3·4
37—Miscellaneous Departments	0·3	0·3	0·3	0·3
41—Civil Works	22·2	10·4	6·5	8·0
45—Superannuation Allowances and Pensions ...	5·9	6·1	6·9	7·1
46—Stationery and Printing	1·2	1·3	0·9	1·0
47—Miscellaneous	1·5	1·3	4·0	5·2
Totals	244·4	209·0	202·2	221·5
Capital Expenditure.				
55—Construction of Irrigation Works	5·6	19·1	51·5	124·0
56A—Capital Outlay on Improvement in Public Health.	—	5·3	0·5	—
60—Civil Works not charged to Revenue ...	—	7·1	5·5	12·2
Grand totals	250·0	240·5	259·7	357·7

RECEIPTS IN SIND.

(Figures in lakhs of rupees.)

V.—Land Revenue	67·1
VI.—Excise	38·7
VII.—Stamps	19·2
VIII.—Forests	7·1
IX.—Registration	1·6
IXA.—Scheduled Taxes	0·5
XIII.—Works for which Capital Accounts are kept	28·1
XIV.—Works for which no Capital Accounts are kept	0·3
XVI.—Interest	1·3
XVII.—Administration of Justice	2·1
XVIII.—Jails and Convict Settlements	0·8
XIX.—Police	0·6
XXI.—Education	1·3
XXII.—Medical	1·2
XXIII.—Public Health	0·1
XXIV.—Agriculture	0·5
XXVI.—Miscellaneous Departments	0·1
XXX.—Civil Works	0·9
XXXIII.—Receipts in aid of Superannuation	1·9
XXV.—Miscellaneous	0·5
Total	174·3

EXPENDITURE IN SIND.

(Figures in lakhs of rupees.)

5—Land Revenue		14·03
6—Excise		3·30
7—Stamps		0·70
8—Forests		3·90
8A—Forests		0·03
9—Registration		0·88
13—Irrigation: Working Expenses		—
14—Works for which Capital Accounts are kept—Interest on Debt (excluding on Sukkur Barrage)		15·46
15—Miscellaneous Irrigation Expenditure		24·00
22—General Administration		44·56
24—Administration of Justice		11·57
25—Jails and Convict Settlements		6·23
26—Police		36·06
27—Ports and Pilotage		0·12
31—Education		27·70
32—Medical		6·73
33—Public Health		2·30
34—Agriculture		4·70
37—Miscellaneous Departments		0·30
41—Civil Works		11·10
43—Famine Relief		2·31
45—Superannuation Allowances and Pensions		7·60
46—Stationery and Printing		0·96
47—Miscellaneous		4·15
55—Construction of Irrigation Works		234·00
16—Financed from Famine Insurance Grant toward Interest on Barrage	10·00	
*Sukkur Barrage	221·73	
Other Irrigation Productive Works	1·50	
Other Irrigation Unproductive Works	0·77	
60—Civil Works not charged to Revenue		6·63
60B—Commutation of Pensions		0·87
Total		470·19

* *Note.*—Includes 25 lakhs Interest on Barrage Capital.

APPENDIX X.

Sub-Committee No. IX (Sind).

A BRIEF NOTE ON THE SEPARATION OF SIND.

(Circulated to the sub-Committee at the request of Sir Shah Nawaz Bhutto.)

Sind is a unit totally distinct from Bombay to which it was added for administrative purposes by pure accident and with a total absence of policy aforethought. Geographically, ethnologically and linguistically, too, Sind is totally different from the Presidency.

Through all the ages of recorded history up to the British Raj, Sind has been a distinct administrative unit. Even after the advent of the British, Sind remained for a long time a separate province under a Governor. But for the great controversy between Sir Charles Napier (the Governor) and Major Outram, and the party spirit it created among the then administrators and the civilians, Sind would have continued to remain till to-day a separate province. With the abolition of the Governorship, Sind was nominally linked with Bombay; but for all practical purposes it was left to be governed as quite a separate unit of administration by the Commissioner in Sind. And that is the form of administration we have even now in Sind.

Geographically, Sind is cut off from the Presidency by a huge belt of non-British Indian territory. It is 1,000 miles away by land and 500 miles away by sea. The physical features of the two areas are widely divergent in nature, and the main occupation in Sind—agriculture—is run on a system totally different from that of the Presidency. As a result thereof, even the system of land revenue administration is different.

The peoples of Sind are of an ethnological stock totally alien to that of the Presidency. Their culture, habits, manners and customs are consequently quite different. Sind also has its own distinctive language —Sindhi—which is not native to any other part of the Presidency.

All these differences constitute so many handicaps against a Sind that is administratively united to the Presidency. Its geographic distinctiveness operates harshly both ways. On the one hand, Government headquarters at Bombay is too far off for expeditious issue of orders. On the other, it necessitates the devolution of several of the powers of Government on the head of the administration in Sind, the Commissioner in Sind, who tends thus to be an autocratic ruler. Owing to their ethnological and linguistic distinctiveness, the Sindhi members in the Bombay Council find themselves a lone group, and get very little sympathy and understanding from the Presidency members. Moreover, the problems of Sind are so different from those of the Presidency that it is difficult to bring them into line, or to arouse in the peoples of Bombay any sympathy and understanding for those problems.

As a net result, Sind is neglected both by the Government of Bombay and by the chosen representatives of the peoples of the Presidency. The latter do not understand the problems of Sind—and they can hardly be expected to understand them—and so take little or no interest in the affairs of Sind, except to oppose all schemes for expenditure on the development of Sind. With a backing of this nature, Government, too, neglect Sind. They are most unsympathetic in the administration of their land revenue policy in Sind. Education, roads and communications, medical aid, in fact, all the nation-building departments in Sind are starved.

Moreover, Sind's jointure with Bombay affects Sind prejudicially in respect of development of matters under the control of the Government of India, like the development of railways in Sind and the development of the port of Karachi, as in all these matters they have to go through the Government of Bombay, which is hardly as satisfactory as it would be if Sind could go directly to the Government of India.

Sind laboured long and patiently under these disabilities, but began at length to realise that its salvation lay in its developing itself as a distinct province separated from Bombay. The point was first publicly mooted by the late Hon. Mr. Harchandrai, C.I.E., in 1913, in his address as Chairman of the Reception Committee of the Indian National Congress at Karachi. The matter was pressed further by the deputation of the Sind Provincial Conference which waited on the late Mr. Montagu and Lord Chelmsford at the time the Montagu-Chelmsford Reforms were on the anvil. The resolution on the subject of linguistic provinces passed by the Indian National Congress in 1927 concluded with the expression of opinion that a beginning be made by constituting Sind into a separate province. The All-India Muslim League then gave the demand for the separation of Sind its enthusiastic support and by this time the question became an All-India one. It was one of the items in the Delhi Muslim Proposals. The All-Parties Conference gave the principle of the separation of Sind their support and so did the Nehru Report. On the 17th of July, 1928, the Sind Hindu-Muslim Pact was arrived at, and one of the provisions thereof was the separation of Sind. And the All-India Muslim Conference, Delhi, of 1928–29 resolved in favour of the separation of Sind.

The matter had now become a live issue. The Statutory Commission had begun its enquiry. The Sind Mahomedan Association in its representation to the Commission pressed very keenly for the separation of Sind. The pros and cons of the case were being examined. The Government of Bombay (one Executive Councillor and one Minister dissenting) decided at first against the separation. The Bombay Provincial Committee which assisted the Statutory Commission expressed full sympathy with the desire for the separation of Sind, and invited further enquiry; one member of the Committee, Syed Miran Mahomed Shah, wrote an exhaustive minute of dissent devoted solely to the support of the case for the separation. The Indian Central Committee, however, recommended that Sind should be separated. The Statutory Commission expressed great sympathy with the claim of Sind for separation but proposed that the matter be referred to a Boundaries Commission. The Government of India in their review of the Statutory Commission's Report, state in regard to the separation of Sind that the claim has become increasingly prominent in recent years, and that while they are not yet in a position to tender final advice, they urge that enquiries be set on foot at the earliest possible date. And, as against their objection at first to the separation of Sind, the Government of Bombay accept, in their review of the Statutory Commission's Report, the proposal for the appointment of a Boundaries Commission.

The position to-day therefore appears to be this, that the principle of the separation of Sind is accepted by the powers that be. And all that therefore remains is to meet the more important objections that have been urged against the separation. These may be classified under three main heads :—

(*a*) Administrative difficulties,
(*b*) financial difficulties, and,
(*c*) the communal apprehensions of the Hindus.

Of these, the third may be taken up first and disposed of as it contains the least substance. The Hindu apprehensions take the form of the feeling that separated Sind will be another Muslim-majority province. It may be pointed out that the demand for the separation of Sind is not so much a Muslim demand as a Sindhi demand. It was first put forward by the late Hon. Mr. Harchandrai, a very prominent Hindu. The demand was pressed by the Sind Hindus in the deputation to the late Mr. Montagu and Lord Chelmsford when the current reforms were on the anvil. The Indian National Congress resolution of 1927 demanding the separation of Sind was moved by Pundit Madan Mohan Malaviya, the Arch High-Priest of the Hindu Mahasabha. Then there was the Sind Hindu-Muslim Pact of the 17th July, 1928. These are some of the prominent instances in which the claim for the separation of Sind was supported publicly by Hindus of position and responsibility. They must have had good reasons for doing so, and indeed it is indisputable that one of the immediate effects of the separation will be the accretion of more power in the hands of Sind Hindus.

The objections on administrative and financial grounds are, however, more serious, not because they are more real, but because the non-official has not sufficient material to prove what he knows to be a fact, that the objections are groundless. But even on the available material it can be seen that there is not much in these objections.

The administrative difficulties are raised under three heads :—

(i) that the area and population of Sind is not large enough for the formation of a distinct province;
(ii) that there will not be enough work for a Governor and " at least " three ministers, and
(iii) that separated Sind will be deprived of the advice of the " experts " of the Bombay Government.

As regards area and population, apart from the fact that in no case have area and population been the criteria for the formation of a distinct administration, the following figures will show that there are very successful administrations in British India, not to speak of the innumerable tiny distinct Indian States, side by side with which, the area and population of Sind compare very favourably.

Province.	Population.	Area.
Ajmer Mewara	420,000	2,711
Assam	6,700,000	53,015
N.W.F. Province	2,500,000	13,418
Sind	3,270,000	47,000

The proposition that there will not be enough work for the heads of a distinct government starts on the assumption that there must be " at least " three Ministers and a Governor. If three Ministers are not required, Sind may have only two. And if they have not enough routine work, so much the better ; they can better attend to the needs of the people, and to the development of Sind. Besides work will grow.

As regards the " experts " of the Bombay Government, their services to Sind are practically nil. The problems of Sind are peculiar to it. It is best studied by and known to such heads of departments as are in Sind, whose opinion is invariably endorsed by the experts of the Bombay Government. In effect, therefore, the experts for the purposes of Sind are already there, and they will be there in a separated Sind.

We now come to the last but not the least of the objections—the financial objections, which are raised in regard to, on the one hand, the cost of Sind administration and, on the other, the responsibility of Bombay for the cost of the Sukkur Barrage.

To deal with the second first, it may be pointed out that Bombay has no real responsibility or burden in respect of the Barrage. The cost has been loaned by the Government of India in approval of a self-supporting scheme under which the entire cost is to come forth from Sind ; Bombay has no real burden in respect of it—it is only to be a post-office, taking the money from the Government of India and spending it on the Barrage, and recovering the money from Sind and repaying it to the Government of India. The sale proceeds of the lands repay the interest, and the land assessment increments and assessment on new lands brought under cultivation repays the loan.

As regards the cost of administration, it must in the first place be observed that it has yet to be proved that Sind is a deficit province. Actual, correct and definite figures have never been supplied by the Bombay Government despite several requests therefor. All sorts of figures of revenue and expenditure have from time to time been supplied, all different in their results but never the actual information required. In reply to a Council question the following figures were given on the floor of the House, and may be treated as the most recent :—

Years.	1922–23.	1923–24.	1924–25.
Revenue	195·0	192·0	180·7
Expenditure ...	209·0	202·2	221·5

An analysis, however, of the details which go to make up these figures of expenditure shows that it includes

(*a*) cost of irrigation works for which capital accounts ;

(*b*) miscellaneous irrigation expenditure, and

(*c*) expenditure on civil works.

These items cannot be classed as ordinary expenditure. Deducting the expenditure on items (*a*) and (*c*) and a reasonable portion, say 50 per cent., of the expenditure on item (*b*) as being spent on capital works, the revised figures of expenditure for the three given years would be :—

174·1, 172·7, and 180·4.

It will be obvious from this that after meeting ordinary expenditure, Sind shows an annual average surplus of Rs. 13.5 lakhs. And even according to the extravagant estimate of the Bombay Government, the increased cost of administration of separated Sind is not expected to exceed Rs. 10 lakhs annually. But there is no reason why Sind should have, at least in the beginning, as luxurious an administration as the Presidency has. The following table shows the expenditure per head in the other Provinces :—

Province.	Population.	Current Expenditure.	Expenditure per Head.
Assam	6,700,000	28,163,000	Rs. 4–0
Bengal	46,000,000	111,079,000	Rs. 2–8
Bihar and Orissa	39,400,000	60,045,000	Rs. 1–8
Bombay	26,200,000	160,151,000	Rs. 6–8
Burma	12,500,000	95,092,500	Rs. 7–8
Central Provinces	15,700,000	58,836,463	Rs. 4–0
Madras	44,300,000	151,660,000	Rs. 3–8
Punjab	25,000,000	125,214,000	Rs. 5–0

With a population of nearly 33 lakhs, and with an average revenue of 190 lakhs, Sind has a capacity to spend over Rs. 5 per head, and this compares very favourably with the cost per head shown in the foregoing table.

All these calculations have made no provision for possibilities of economy and retrenchment, for increase in revenue by natural growth of prosperity, and lastly for additional taxation which the Sind peoples have agreed to bear if necessary.

It will, therefore, be seen that the formation of a separated Sind presents no insurmountable difficulties. Add to this the determination of the peoples of Sind that they must be separated, and the case is complete.

APPENDIX XI.

NOTE ON SECOND CHAMBERS.

CIRCULATED TO ALL DELEGATES AT THE REQUEST OF SIR HUBERT CARR.

The Report of sub-Committee No. 2 dealing with Provincial Constitutions contains the following opinion in 7 (*d*) :—

> "The existing Provincial Legislatures are unicameral. The sub-Committee recognises that conditions in some provinces may make it desirable that the Provincial Legislatures should be bicameral, but the decision to incorporate a second chamber in the new constitution of any province other than Bengal, United Provinces and Bihar and Orissa, where opinion in favour of a second chamber has already been expressed, should not be taken until opinion in the province definitely favours this course."

It is now suggested that second chambers in the Provinces would be of the utmost value :—

(1) In giving stability to the administration of a Province ;
(2) In assuring the return to the legislature of responsible and responsive Indian statesmen ;
(3) In solving the communal disagreement as to the proportion of seats to be held by each communmunity ;
(4) In giving effect to the safeguards which Minorities are demanding.

I.

The point has frequently been made and needs no further elaboration, that in any constitution, and particularly in a country where democratic institutions are not fully developed and established, it is extremely desirable that the classes who stand to lose most by civil unrest should be adequately represented in the legislature. It may be doubted whether anywhere democratic electorates have shown sufficient willingness to elect to purely popular assemblies highly educated and experienced men who are neither able nor willing to make a purely electioneering appeal to the imagination of the masses. It is surely desirable that ex-administrators, ex-judges, eminent professors, large landholders and persons prominent in work of social uplift, should have an opportunity of contributing their share to the working of the constitution. In the words of Bryce, one Chamber is apt to contain " too little of the stores of knowledge, wisdom and experience which a country possesses."

II.

The Indian Delegates to the Round Table Conference have shown their statesmanship and their courage in coming to England and in devoting their time and energies to the work of building a new constitution for India. It is a melancholy reflection that probably few of these Delegates will be elected to the Lower Chambers of the new legislatures which they have designed. During the time they have been away the Congress Party has been active in propaganda amongst the old electors. It is already certain that there will be a considerable increase in the electorate, and the danger of these new voters being stampeded by the only organised political party is very great. In such an event it is unlikely that many responsible Indian statesmen, however distinguished, would have any chance of election if opposed by the Congress organisation. The great services rendered by the late Sir Surenderanath Bannerjee, both before and after the reforms of 1919, did not prevent his being defeated in 1923 by a comparatively unknown candidate representing the Congress Party. At the same election, the late Mr. S. R. Das, afterwards Advocate-General of Bengal and Law Member of the Viceroy's Executive Council, was also defeated in a division of Calcutta where he had lived all his life. The fate which overtook these Co-operators ten years ago will probably overtake the Delegates to the Round Table Conference.

Such a result would not only be an undeserved misfortune for the Delegates themselves, but would clearly be disastrous to the new constitution.

III.

The difficulties which have arisen in distributing seats in the Provincial Councils fairly amongst the different communities are not, in our opinion, capable of final solution in unicameral legislatures. Without expressing any opinion on the merits of the question, we understand that in the Punjab Legislative Council the Moslems are claiming 51 per cent. of the seats, the Sikhs 30 per cent., and the Hindus, not unnaturally, would not be satisfied with the remaining 19 per cent. It appears to us that a hopeful avenue to explore would be substituting bicameral for unicameral legislatures. In such a case it might be possible to persuade one of the communities to be satisfied with less than the representation they are at present demanding in the Lower Chamber if their representation in the Upper Chamber were weighted. We refrain from putting forward any concrete proposals at the present juncture from an unwillingness in any way to prejudice the chances of a satisfactory settlement between the communities.

IV.

It is becoming more and more recognised in Europe that democracy, or the rule of the majority, must be modified by safeguards for the rights of minorities. It is in a Second Chamber that those minorities can most easily and effectively be protected by a few distinguished representatives. Stationed, so to speak, at the bottle neck of the legislature, they can more easily secure the rejection or amendment of a measure, and in a calmer atmosphere of a revising Chamber reason is more likely to secure a hearing, and justice is more likely to be done than in the Lower House.

Nor can one disregard the possibility of the Lower House becoming dominated by some coalition of groups, or even by financial and capitalist interests. In one Presidency there is already a tendency in this direction and a further step towards democracy is likely to increase this danger.

Second Chambers which are strong and effective are invariably elected or chosen upon a different principle from that adopted in the case of the Lower House. Nomination is not usually a satisfactory method, for it is desirable that the Upper Chamber should be able to claim to speak in the name of the people. In India, however, it would be idle to deny that there are many interests which are not at the present time likely to be fairly represented by a system of election, and that many men whose position, experience and prestige would make them valuable recruits to any legislatures would not be willing to stand for election, and would not be elected if they did stand. We would, therefore, make the following tentative proposal.

The Upper Chamber should consist of 40 members, of whom 10 should be nominated by the Governor on his own responsibility from amongst those persons who in his opinion would be suitable members of the Chamber and who would balance any communal disparities in the Lower House. He might be expected to nominate some ex-ministers, ex-judges, and ex-administrators, but no officials.

Ten should be nominated on the recommendation of the Ministry in power for the time being. This would tend to keep the Upper Chamber in touch and in sympathy with the existing Ministry. It would also enable the Ministry to strengthen itself by the addition of prominent men who might not have been successful in retaining their seats in the Lower House.

Ten should be representative of special interests, such as Indian commerce, landholders, agriculture, universities, municipalities and religious leaders, obtained by means of Electoral Colleges. Further, Electoral Colleges of doctors and teachers might elect respectively experts on health and education.

The remaining ten should represent different interests and communities in accordance with the particular requirements of each Province. In most cases these ten should include representatives of Labour, the Depressed Classes, or whatever interests are prominent in the Province concerned.

These Chambers should be perpetual, one-third of the members retiring every third year; and thirty-five should be the minimum age qualification for membership.

The powers of the Upper Chamber should be in all respects equal to those of the Lower Chamber, and wherever there is conflict between the two Houses the matter should be settled by a joint sitting.

We would give to the Upper Chamber concurrent powers with the Lower Chamber over Finance (although the Budget would naturally be introduced in the latter); and even where the Lower Chamber has thrown out a proposal for taxation or refused to vote a grant, we would enable the Governor, acting upon the advice of his Ministry for the time being, to order a joint sitting at which the rejected proposal would once more be put forward.

It is vital to the success of the new Constitution that everything possible should be done from the start to provide some stability in the Executive under the new Constitution. It must be remembered that the stability of Governments in Great Britain is solely due to the two party system which obtained for so long. Responsible Government in other countries has too often been associated with instability in the Executive which has militated against efficiency of Government.

It is with a hope of avoiding the same unfortunate instability in India that the desirability of establishing Second Chambers in the Provinces is now earnestly commended to the Round Table Conference.

One thing is certain: if Second Chambers are ever to be introduced provision must be made now. It is hopeless to expect that the Lower Chambers will voluntarily apply, at some future date, to be subjected to the restraint of Upper Houses.

A procedure for constitutional amendment might perhaps be introduced to enable Second Chambers to be abolished at some future time if and when all communities are willing to surrender the protection afforded by their existence.

If the feeling is justified that a large number of those who would be of inestimable value in working the new constitution will not, under the changed circumstances, be returned to a Lower House it seems very necessary not to delay in considering most carefully whether Second Chambers in more than three Provinces are not called for.

APPENDIX XII.

A PLEA FOR ENGLAND'S CONTRIBUTION TO ARMY EXPENDITURE IN INDIA.

Circulated to all Delegates at the request of Sir P. C. Mitter, The Maharaja of Darbhanga, The Raja of Parlakimedi, Mr. Fazl-ul-Huq, Mr. A. H. Ghuznavi, Dr. Narendra Nath Law and Sir Sayed Sultan Ahmed.

(*Mr. Barooah, in a letter dated 20th January, 1931, requested that his support of this Memorandum should be recorded.*)

The object of this Note is to draw attention to one factor which, to our mind, is essential to the success of a new Constitution in India; and we are anxious to stress it lest it should be forgotten in a preoccupation with the nature and form of the Constitution. It is our opinion, based largely upon the experience of the Montagu-Chelmsford Reforms, that the success or failure of any Constitution in India would depend in a great measure upon the scope it furnishes for the economic uplift of rural India and the removal of middle-class unemployment. If it should turn out that it cannot stand this test, its satisfactoriness in other ways would be of but little value. The constant complaint of the Ministers that the financial handicap prevented them from promoting " nation-building " activities pointed to a pressing demand which it was not found possible to fulfil; and the failure of the Reforms was due, in no small degree, to financial inadequacy. We are, therefore, emphatic in our view that the new Constitution should start with such an adjustment of India's finances as would enable " nation-building " work to be undertaken without further loss of time. Any constitution aiming at democracy would depart from its own purpose if the rural masses were to remain as poor as they are; and there can be no steady progress if continued middle-class unemployment provided a persistent atmosphere of discontent.

The adjustment of India's finances might take place along various lines; but there is one that has been brought forcefully to our notice by the observations of Mr. Ramsay MacDonald in his " Government of India " and of the Indian Statutory Commission in their Report. Both Mr. MacDonald and the Commission urge an equitable distribution of India's military expenditure between England and India, Mr. MacDonald suggesting that England should bear half of the expenditure. We shall give the relevant quotations and references later on; but it is necessary at once to say that if India could be relieved from her admittedly excessive expenditure on Defence, she could immediately take in hand the work of the uplift of the masses which has been more or less neglected in the past. We look for an improvement in India's financial position from this more than from any other source; and we hold that both justice and considerations of self-interest as between England and India require a settlement in the direction pointed out by such weighty authorities as Mr. Ramsay MacDonald and the Indian Statutory Commission. We suggest that England should make over to India annually a substantial proportion of India's total expenditure on Defence; and that provision should be made for making available to the Provinces the financial relief thus afforded, so that the work of nation-building may be proceeded with without more delay. We are aware that alternative suggestions have been made in other quarters, and we shall deal with them later in this Note; but at this stage we are merely concerned with making our general attitude clear.

We shall now pass on, by means of facts and figures from the Report of the Indian Statutory Commission, to analyse the financial position of India in relation particularly to Defence and the welfare of the rural masses.

Sir Walter Layton points out that the annual income of the British population is about £100 per head, and that of India was Rs. 107 (about £8) per annum, and according to a more cautious estimate it is only about Rs. 80 (about £6). Sir Walter Layton further points out, " The proportion of this annual income which is taken in Britain by the tax gatherer and spent upon military and naval defence is about 2½ per cent., viz., £2 10*s.* 0*d.* per head. In the case of India, the expenditure upon the army is 2*s.* 7*d.* per head, or, leaving out of account the Indian States and including British India only, 3*s.* 4*d.* per head, or about 2 per cent. of the average annual income. But, whereas the amount collected by the Government and spent upon education in Britain is as much as £2 15*s.* 0*d.* per head, the amount spent on education in British India is less than 9*d.* per head.

" These simple figures illustrate three of the chief features of the financial situation in India, viz.:—

The mass of the people are extremely poor.

She is incurring expenditure on the primary functions of government, such as defence and the maintenance of law and order, as high in proportion to her wealth as Western nations.

Her expenditure on social services such as education, health, sanitation, etc., on the other hand, is far behind Western standards and indeed in many directions it is almost non-existent.

" The insufficiency of India's revenues to provide adequately for the latter classes of expenditure has been a factor of political importance in that it has created dissatisfaction with the very small headway that it has been possible to make in the direction of social amelioration under the Reforms."

Sir Walter Layton on page 215, Vol. 2 of the Report, sets out a balance sheet of India's finances. It will appear from it that the total central revenue is 88·22 crores; it further appears that the cost of Defence is 55·1 crores, or, in other words, it is as high as 62·5 per cent. of the total central income. The total expenditure on social services, such as education, medical and public health, is very inadequate, such expenditure being 12·57 crores on education and 6·38 crores on medical relief and public health, which means a total of 18·95 crores. The population of British India being 247 millions, it works out at an average of 4 annas, or about 4½*d.* per head on medical relief and public health. The inadequacy of expenditure on agriculture and rural industries is even more striking, the total sum spent for all the Provinces of India on agriculture and industries being only 3·24 crores, i.e., only 2*d.* per head. Considering that India's rural population is as large as 226 millions, and that the prosperity of India depends so largely upon the improvement of her agriculture and rural industries, the neglect of past Governments, due mainly to inadequacy of funds, is deplorable.

The inadequacy of funds on social services and on agriculture and industries is due in the first place to a large proportion of the income of India, poor as her citizens are, on Defence. It is due also to the comparatively large expenditure by the Provincial Governments on the primary functions of government, such as maintenance of law and order, and the Services: General Administration (15·76 crores), Police (12·28 crores), Jails and Justice (8·31 crores), Pensions (4·05 crores). The total expenditure on General Administration, Police, Jails and Justice, Pensions, together with Civil Works expenditure on these heads, will come up to more than 47·40 crores. Since the total provincial revenue is 88·25 crores, this represents about 53·5 per cent. of the total provincial income. We have already noted that the total expenditure on Defence is 62·5 per cent. of the total central revenue. It is thus clear that on primary functions of government, India, both at the Centre and in the Provinces, is spending quite a large proportion of her income.

Comparing the Defence expenditure of India with that of the Dominions, we find that India's expenditure is very high as compared with that of the Dominions.

FINANCIAL EXPENDITURE—FINANCIAL YEAR 1927–28.

(*Pensions are not included.*)

Figures in thousands of pounds.

	Central expenditure.	State or Provincial expenditure.	Total.	Net defence expenditure.	Percentage of central expenditure.	Percentage of total (Central and Provincial).
Australia	82,121	113,847	195,968	4,733	5·8	2·4
Canada*	65,700	31,300	97,000	2,785	4·2	2·9
Irish Free State ..	31,437	—	31,437	2,264†	7·2	7·2
New Zealand	24,945	—	24,945	969	3·9	3·9
South Africa	22,841	10,635‡	33,476	809	3·5	2·4
India	66,165‖	65,220	131,385	41,325	62·5§	31·5**

* 1926–27.

† Gross.

‡ Appropriations.

§ 62·5 per cent. of total expenditure.

‖ Page 217, Indian Statutory Commission's Report, Vol. 2.

**Page 216, Indian Statutory Commission's Report, Vol. 2.

The Indian Statutory Commission has reported that the size and expense of the army serving in India is determined not merely by the purely Indian aspect, but also by the Imperial aspect, and that there are elements which " make it inequitable to regard its cost as falling solely upon Indian revenues."* The Commission further points out that it is somewhat difficult to evaluate every factor, and they would not attempt even to evaluate some of the aspects of the question relating to the division of army charges which had been under discussion between the Government of India and the Home Government. Lastly, as they were more concerned with constitutional problems than with the division of army expenditure, they did not feel it necessary to do anything beyond touching upon the Imperial and the Indian aspects of the problem.

* On this point the following extract (page 16) from Mr. Leonard Le Marchant Minty's " Constitutional Laws of the British Empire " (1928) is of interest:—

> " In December, 1927, it was announced that a treaty had been made with Iraq acknowledging it to be in every way an independent State. Great Britain, however, still remains responsible to the League during the next twenty-five years for carrying out the mandatory powers entrusted to her. This, in fact, has meant the maintenance in Iraq of armed forces and aeroplanes costing over £4,000,000 a year. The upkeep of Indian troops so employed is included in the Indian budget, and as the future of Iraq is not of direct concern to India, and India has no control of the exercise of the mandate, their presence there is open to strong constitutional objections."

Mr. Ramsay MacDonald in his book " The Government of India " came to more definite conclusions. He expressed it as his deliberate opinion that half the army expenditure of India should be met from Imperial, and not Indian funds. We quote below the following from page 154 of his book :—

> " What is the proper charge for India to bear for this occupation ? A large part of the army in India—*certainly one-half*—is an Imperial army which we require for other than purely Indian purposes, and its cost, therefore, should be met from Imperial and not Indian funds. When we stationed troops in other parts of the Empire, we did not charge them upon the Colonies, but in India we have the influence of the dead hand . . . . "

Then, again, he observes :—

> " Thus, India is treated as an independent State, which, however, we rule and whose military policy we control, while it ' borrows ' from us a certain number of troops for which it pays. The arrangement is most unsatisfactory.
>
> " It may be said that if India were an independent State its military expenditure would be much higher. But then, India is not an independent State, and is entitled to claim some privileges of Empire ; its weakness ought not to subject it to a more expensive military arrangement than Canada or Australia.
>
> " A self-governing India would no doubt insist upon bearing some definite share in defence, but like the Dominions it would settle how much it ought to bear : it would adjust the cost to its means, and it would decide in what form it was to make its contribution—*perhaps an Indian-recruited army*. In any event the present plan, by which India pays for the Imperial army stationed there, without in any way determining policy, is as bad as it can be. If the existing system of military defence is to last, *the whole cost of the British army stationed in India should be borne by the Imperial Exchequer.*"

It would appear from the last-mentioned sentence, that if the whole cost of the British army stationed in India is to be borne by the Imperial Exchequer, perhaps England's contribution to the total army expenditure borne by the Indian Exchequer will be not less but more than half. However, be that as it may, it is clear from Mr. Ramsay MacDonald's opinion, as also from the Indian Statutory Commission's Report (Vol. 2, pages 167–173) that India is equitably entitled to ask for a substantial contribution from England towards the army expenditure. In our opinion it is not necessary to examine the details of the share payable by England with meticulous care. We should rather aim at coming to an equitable adjustment on a broad basis, after taking into account political factors in both countries which have an important bearing on their future well-being.

There would probably be those who, although impressed by the justice of our proposal, would still be averse to the idea of an annual contribution to India on account of England's immediate obligations in respect of her domestic problem of unemployment. To them it would not perhaps be wrong to point out that what is asked for in this Note as a contribution to India would be but a small proportion of what England has been annually spending towards unemployment relief. Nor would it be unfair to draw attention to one factor, which is often missed by those whose eyes are fixed upon the hardship of an immediate sacrifice, and who are unable or unwilling to take the longer view. We are convinced that our proposal would be a political gesture of great value, fraught with far-reaching economic consequences to both India and England. The assistance offered by England to the uplift of her rural masses will not be lightly forgotten by India. With new bonds forged between the two countries, the bitterness of the immediate past would be greatly assuaged ; and India's trade relations with England—which have been normally of the friendliest—would visibly improve. An advance in the standard of living in rural India cannot but have its natural effect upon British trade ; and unemployment which is so large a result of trade depression is bound at least to diminish, when one of the potent causes is removed. It is from this point of view, too, that we hold that the contribution we are asking for would have great economic results for England and India, even though these might appear to mature too slowly in the beginning.

We desire that England should contribute to the Indian Government a fixed percentage of India's total expenditure on Defence. In view of the weighty opinion of Mr. Ramsay MacDonald, we suggest that a percentage which would amount to half the total expenditure is *prima facie* fair. If in spite of the deliberate opinion of Mr. Ramsay MacDonald, the present head of His Majesty's Government, it still be desired to examine the question further, we have no objection provided the following factors be taken into consideration :—

(1) The fact that no such contribution has hitherto been made, and England has escaped a just liability for many years past.

(2) The fact that the employment of British troops and British officers is accountable for a large proportion of the expenditure.

(3) The merit of an opinion expressed by Mr. Ramsay MacDonald.

(4) The Imperial aspects of the problem.

(5) The political aspects.

Such an examination is bound to take some time, it may be several years. We therefore suggest that the payment for the first five years in any case be on the basis of the total expenditure on Defence as estimated by the Indian Statutory Commission, namely, 55·1 crores of rupees ; England's contribution during this period being 27·55 crores of rupees annually, that is, on the basis of the allocation suggested by Mr. Ramsay MacDonald. This payment should begin from the next Indian official year, that is, 1931–32. After the inquiry has been completed, say, during the next five years, the percentage and the amount of the contribution may be fixed so that it could remain in operation for a period of, say, ten years.

The administration of the Defence of India should remain with the Government of India irrespective of the constitutional position of that Government. We repudiate the suggestion of the Indian Statutory Commission that India should contribute to England for the Defence of India, but we are emphatic in our opinion that the contribution should be from England to the Government of India.

Lastly, we are anxious that the suggested contribution of England should be made immediately available to the Provincial Governments by means of statutory Rules, so that the long neglected problems of rural India may be taken up without any further delay.

APPENDIX XIII.

FUNDAMENTAL RIGHTS.

CIRCULATED TO ALL DELEGATES AT THE REQUEST OF DIWAN BAHADUR M. RAMACHANDRA RAO.

Now that a Federal Constitution for the whole of India, including the Indian States, is under consideration, I should like to invite the attention of the members of the Conference to a question of supreme importance to the people of the States. It has been assumed that the rulers of the Indian States, who are now members of the Round Table Conference and their Ministers, represent the views of the people of the States and that there is an identity of interest, between the people of the States and their rulers in regard to the problems now occupying the attention of the Conference. It is unnecessary to discuss in any detail whether this position is sound, though there are many considerations which might lead one to an opposite conclusion. In framing a new Constitution, the interests of the people of the States in some of the matters now under discussion are likely to be overlooked on this theory of identity of interests between the Rulers and their people. On the other hand, some of the rulers of the States have themselves admitted that the expression " the States " does not mean the Ruler alone. For example, His Highness the Maharaja of Bikaner publicly stated in his Legislative Council two years ago that the term " State " includes not the Ruler alone, but that " the Ruler, his Government and his subjects are all component parts of, and all go to comprise, a State." He amplified the same idea by saying " that if the independence of a State goes, the subjects of that State forthwith lose their integrity and individuality. If the State gains fiscally, it is not only the Princes, but the Governments and subjects of the State gain most. If the State loses in such matters, such loss is shared by the State with the Princes and the Government."

2. In these circumstances, can it be seriously contended that the people of the States have no stake or should have no voice in effecting a change in the existing relations between the States and the Paramount Power or in the evolution of a new Constitutional tie between British India and the Indian States based on the federal principle ? In this connection, attention is invited to the memorandum of the Indian State Peoples Conference submitted to the Indian Statutory Commission, where it was contended that the integrity and independence of the States is as much the concern of the people as of the Princes, and that any change in the existing relations between the States and the Paramount Power should not be effected without their consent. The States are not at present British territory, and their subjects are not British subjects in India. The subjects of Indian States are treated in British India as " foreigners " for certain purposes, and they have sometimes been deported from British India to the States under the powers conferred on the Government under certain existing enactments. Similarly, the Indian States authorities have expelled British Indian subjects from their States and the latter have no remedy. The people of Indian States are subject to the law of naturalisation in British India, though I am not aware of a corresponding law in any Indian State in regard to British Indian subjects. A federal Constitution for the whole of India must materially affect the status and position of the people of the Indian States. What will be their future rights and obligations to their own States and to the new Government of a Federated India ? The terms on which this double allegiance is to be imposed must receive very careful consideration. It is, therefore, unfortunate that the people of the States have not been afforded suitable opportunities for expressing their own views on the subjects dealt with in the Conference, and it is to be hoped that at least at subsequent stages some attempt will be made to ascertain their views in regard to the new constitutional arrangements now contemplated.

3. Before dealing with the rights and obligations of the people of the Indian States in the future Constitution, it is perhaps necessary to briefly state the present position. The expression " Indian State " does not connote any particular form of government. The authors of the report on Constitutional Reforms have summarised the present position in the following words :—

> " They are in all stages of development, patriarchal, feudal, or more advanced, while in a few States are found the beginnings of representative institutions. The characteristic features of all of them, however, including the most advanced, are the personal rule of the prince and his control over legislation and the administration of justice."

So long as this characteristic feature of personal rule does not undergo a material change, the expression " Indian State " must be taken to mean the individual ruling prince of the State concerned and has no reference to the nature of the administration of the State. The most characteristic feature of the States is the absence of the rule of law. This is admitted. At the meeting of the Chamber of Princes held in February, 1928, the Chamber adopted a resolution in favour of the introduction of the rule of law in the States, and at a subsequent meeting, held in Bombay in April, 1928, the Princes re-affirmed " their abiding determination as recorded in the last session of the Chamber of Princes to ensure the rule of law in their States and to promote the welfare and good government of their subjects." It is unnecessary to dilate at any length on the bundle of rights, privileges, and obligations summed up under these compendious words " Rule of law " which is admittedly absent from the States. At present there is no liberty of persons in the States, and if a person is put in prison, there is no remedy by way of a writ of *habeas corpus* against the officers detaining the person concerned in prison. Two years ago, His Highness the Maharajâ of Bikaner publicly stated that he has been considering the question of extending the principle of *habeas corpus* in the judicial administration of his State. There is no security of property. The State, in its corporate capacity, cannot be sued in the municipal courts of most of the States. The rights of association and public meeting do not exist in almost all the States. Many of the conferences of the people of the States are held outside the States on account of the restrictions placed on the holdings of public meetings. There are very few newspapers in the States. The Press in all countries is one of the great instruments of good Government ; it does not exist in most of the States, and where a few newspapers exist, the most stringent Press regulations have been enacted, with the result that criticism of the measures of Government in the Indian States is almost impossible.

4. I have so far referred to the broad features of the present system of government in the Indian States, not in any spirit of hostility to the States or with a view to casting any reflections on any individual Prince or the Princes' Order, but solely with the purpose of drawing attention to one of the most important features of a Federal Constitution, namely equality of citizenship rights to the people of the federating States. So far as the people of British India are concerned, they have demanded for some years that the basic principle of the new Constitution must be a declaration of fundamental rights and that those rights must be guaranteed in a manner which will not permit their withdrawal under any circumstances. It is not necessary to set out here fully the historical and political aspects of this question and the grounds on which this demand for constitutional guarantees has been put forward. Political India is unanimous on the matter.

The Nehru Committee appointed by the All Parties Conference has discussed this subject at length in Chapter VI of their Report. They are of opinion that such a declaration of fundamental rights should be one of the important features of the new Constitution, and that safeguards and guarantees contained in such a declaration are necessary to create and establish a sense of security among those in India who look upon each other with distrust and suspicion. Every school of political thought in British India has advocated for some years that with a view to secure the full enjoyment of political, religious and communal equality, a declaration of rights should be embodied in the new Constitution. The Government of India have referred to this matter in paragraph 50 of their Despatch, and have pointed out that " the minority communities attach great importance " to this matter. They have not been able to express any considered opinion on the subject, but certain difficulties have been pointed out, and the opinion is expressed that the Conference will probably deal with the whole subject.

5. If a declaration of fundamental rights is necessary in the case of British India, it is even more necessary for safeguarding the rights and liberties of the people of Indian States, where the rule of law has not been as yet established. It is also obvious that such a declaration of rights cannot be enacted only for British India but that it must apply as well to the Indian States joining the Federation.

6. I do not wish to refer to the detailed provisions to be included in such a declaration of rights. They are set out under 19 heads in the Nehru Report (page 101). These may form the basis of discussion and they will be equally applicable to the people of the Indian States. It may be that they may have to be modified in some particulars, but they come under one or other of the following heads :—

(1) Inviolability of person and property.
(2) Freedom of religion and conscience.
(3) Right of public meeting and association.
(4) Equality of all citizens before the law.
(5) Right of the citizens to have a writ of *habeas corpus* and trial according to law.
(6) Right of the citizens to public employment and the exercise of any trade or calling, irrespective of religion, caste or creed.
(7) Freedom of combination and association of all citizens for the maintenance and improvement of economic conditions.
(8) Right to bear arms to all citizens.
(9) Right of all citizens to receive free elementary education.
(10) Equal rights to men and women as citizens.
(11) Equal rights of access to all citizens to the use of public wells, public roads and to all other places of public resort.

7. Attention is also invited to the analogous provisions in some of the older Federal Constitutions like the United States of America, Switzerland, and Germany; and also to the fundamental Constitutional law of New Germany. The Constitutional laws relating to some of the new governments in Eastern and Central Europe also contain many provisions relating to the fundamental law of citizenship. The Polish Constitution lays down that fidelity to the Republic is one of the foremost duties of Polish citizens. Poland guarantees to all its citizens full protection of life, liberty and property without distinction of extraction, nationality, language, race or religion. " Equality of citizens before the law is among the most cardinal of the rights accorded them under the Polish constitution. All have access on equal terms to public office, and no distinctions of birth or estate are recognized. Hence titles, as they are retained in republican Poland, have no more significance than in republican Germany or republican France. Freedom of the person, of domicile, of migration and emigration, of choice of location and vocation; freedom of speech, petition, association and union; freedom of religion and conscience and secrecy of correspondence, are all guaranteed within legal limits. Particular attention is paid to the right of *habeas corpus* and to immunity from search without warrant; sundry safeguards are placed about the citizen to prevent him from being denied access to legal justice. No censorship of the press is permitted, and daily papers and other publications printed in Poland may not be debarred from the mails or denied the right of free circulation throughout the country. There is also a constitutional guarantee of freedom to publish any results of learned investigation and research. Thus the guarantees of individual freedom seem particularly broad; their actual enforcement through the Polish judiciary will, without doubt, raise some difficulties and be apt to define in a more detailed manner the extent and limitations of such rights In general, however, it may be said that the Polish constitution establishes individual rights in a very far-reaching manner, going further in some respects than any other contemporary constitution." The fundamental rights of Esthonian citizens are set out in the constitutional law of the Esthonian republic. It is declared that all Esthonians are equal before law. The usual legal rights of citizens to inviolability of person and domicile, to trial by no courts other than those designated by law, the grant of right of *habeas corpus* are clearly provided. Freedom of religion and conscience are also provided. The provisions of some of the other modern constitutions may also be referred to and it is not necessary to go into them in great detail.

8. It is therefore suggested that the rights and obligations of the citizens of the federating States and of British India to the new federal government of United India should be carefully examined, clearly defined, and that these fundamental rights should be embodied in the constitution. The judicial machinery for enforcing these rights remains to be considered. Indian States have been demanding for some time that a Supreme Court should be established for the purpose of obtaining the decisions of an independent body in regard to the disputes between States and States and between British India and the States. They have advocated the establishment of such a body for some time and this Court may be empowered to deal with violations of the fundamental rights that may be guaranteed by the constitution to the people living under the Government of a Federated India. It may be admitted that there are difficulties in investing the Court with jurisdiction in these matters but the subject requires careful consideration.

It is a matter for satisfaction that Sir Mirza Ismail has, in his scheme, recognised the importance of providing for fundamental rights in the Constitution, and it is to be hoped that the other members of the delegation will see their way to agree to the proposal.

The Indian Central Committee has also recommended the enactment of fundamental rights in the new Constitution.

M. RAMACHANDRA RAO.

8, Chesterfield Gardens,
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1st December, 1930.

APPENDIX XIV.

THE ORIYAS, THEIR NEED, AND REASONS FOR A SEPARATE PROVINCE.

CIRCULATED TO ALL DELEGATES AT THE REQUEST OF THE RAJA SAHIB OF PARLAKIMEDI.

The Oriya problem concerns a population of more than 9½ millions, scattered in four Provinces—Bihar and Orissa, the Central Provinces, Bengal, and Madras—occupying 88½ thousand square miles of country in India belonging to the Aryan race, possessing a literature of their own, well cultured in, and influenced by, Sanskrit. The civilization of the Oriyas dates back to the most ancient times of Mahabharata, and they are at present the followers of Lord Gouranga, the great Saint of the North, who, ages gone by, had preached the all-embracing common brotherhood among the then living races of India and had advanced the most up-to-date cosmopolitan ideals among them. To Lord Gouranga, a Muhamedan, a Sikh, a Punjabi, a Jat, a Napalee, or men of different castes and creeds, were all equal, and among his followers or Bhakthas, Mahomedans are also to be found as staunch and of eminent order. We, the Oriyas of that creed, therefore view each and every Indian through the eyes of our great Lord as of one common brotherhood; inseparable for achieving the one common goal of India's prosperity, equal in status with that of the other Dominions of the British Empire.

We, the Oriyas, who are by nature, creed and religion a most lawabiding race, are of good fighting element, lovers of art, literature, science, and adventure. The Oriyas had seen their brighter days under the great kings of the Ganga dynasty in the 15th century, conquering vast tracts of country from the Ganges to the Kaveri, and it was during this period that their literary attainment reached its zenith. But the brightness of sunshine over the Oriyas and their country began to wane along with incessant raids of their country by the Mahrattas. In 1759 and 1803, and during subsequent years, Orissa was added piece-meal to the British annexations in India, and it is these historical accidents that are responsible for her dismembered condition at present. Under the British rule in subsequent years, no doubt, the Oriyas have progressed, but it is bound to be slow for want of a united Orissa.

In the late Mr. Pathani Samonto, the Oriyas had an eminent astronomer, whose deductions and solutions in astronomy had attracted the attention of the then Viceroy of India—the late Lord Curzon—and these are still accepted by the present up-to-date men of that science, though Mr. Samonto was devoid of all present-day instruments and appliances, and had to depend entirely upon his own fertile brain. Their love of art and capacity in it is explicit in the stone carvings upon the temple walls of Bhuvaneswar, Konark, and the only cosmopolitan great Hindu temple of Puri, in the caves of Khandagiri and Dhavlagiri, and the present silver and horn works of Cuttack and Parlakimedi. Their taste in literature and music is evident from their poetical works written in Oriya hundreds of years ago, impregant with original ideas and metaphors, and also original work of signs of expression while singing a song.

But it is all a glory of the past, mostly, which we, the Oriyas, can boast of; and what are we to-day, divided and absorbed in different parts of British India, with no entirety as a race of our own anywhere in the provinces, without suitable representation or encouragement; known as coolies in Bengal and Burma, Untouchables in Madras, and what not in other parts of India?

Is it fair to such a race as the Oriyas, with such culture, ideals and creed, to be the enjoyers now of such abhorrent and pathetic conditions when all the other races of India under the benign British regime are fighting for Dominion Status for India federating with Indian India? Can India be really federal while allowing any of her races to wither and decay?

The fact of the dismembered state can best be realised from an extract from Grierson's "Linguistic Survey of India," in which he says:—

> "The Orissa country is not confined to the division which now bears that name. It includes a portion of the district of Midnapur in the north, which, together with a part of Balesore, was the 'Orissa' of the phrase 'Bengal, Bihar and Orissa, met in the regulations framed by the Government in the last decades of the 18th century. Oriya is also the language of most of the district of Snigbhum, belonging to the division of Chotanagpur, and of several neighbouring native states which fall politically within the same division. On the west it is the language of the district of Sambalpur, and of a small portion of the district of Raipur in the Central Provinces, and also of the number of native states which lie between these districts and Orissa proper. On the south, it is the language of the north of the Madras district of Ganjam, with its connected native states, and of the Jeypore Agency of Vizagpatam. It is thus spoken in three Governments of British India, viz., in the Lower Provinces of Bengal, in the Central Provinces, and in the Madras Presidency" (p. 367).

To remedy the evils arising out of such a dismembered condition the Oriyas have all along been expressing their desire to remain united. This desire may be dated back to the Mahratta invasion and the British advent into Orissa in the 18th century and the subsequent years, since when the national solidarity has been broken and it remains as it is, scattered and merged inside different provinces of India, absolutely lost sight of among the other more predominating populous communities. To give vent to their most deplorable condition in society and insufficient representation in Government service wherever they are, the first Utkal Union Conference of the Oriyas was held in the year 1902, under the presidency of the late Rajah of Kallikote, which officially started to approach the Government with resolutions for a separate province for the Oriyas. The replies received from the Government from that time up till now, though, have been many times quite encouraging, the much-sought-after Oriya province remains to them to-day at as far a distance as it was when they first approached the Government with their prayer.

Lord Curzon, one of the greatest Viceroys of India, when proposed the partition of Bengal, the Oriya problem was not outside His Excellency's vision, and a separate Oriya province would have been a long-accomplished fact to-day, if only at that time the Provincial Government of Madras was equally sympathetic and generous-hearted to help the Oriyas to regain their past great communal equality with, if not superiority over, the present several predominating communities of India.

The Oriyas that had kept the all-conquering Mahrattas at bay for several years are to-day a minority wherever they exist in the four different provinces of India, and they have become all the more so since the advent of the Montford Reforms to India, not being able to elect an influential element of their own into any provincial legislature sufficient to get legislation passed in their favour. In Bihar and Orissa, out of a total population of 34 millions, the strength of the Oriyas is about 7 millions; in Madras, out of a total population of 42 millions, there are only a million and a half; in Bengal, again, they are an insignificant minority of about 3 lakhs among a population of 46 millions; and they are about the same number in the Central Provinces amongst 14 millions of population.

This state of the dismembered conditions of Orissa has been brought about by merely historical accidents, and particularly the circumstances attending the growth of British power in Orissa. This unnatural bifurcation, vivisection and fragmentation of the country has brought untold miseries on the people ; it has not only broken their national solidarity by regular process of denationalisation in the borders of Ganjam and Vizigapatam in Madras, and Midnapore in Bengal, but also has succeeded in ruining their ancient civilisation and literature. Let us for a moment examine the census figures of these tracts. In 1901 the Oriyas in the Ganjam District were 1,274,975, or roughly thirteen lakhs, and while, as per census of 1911, the population of the district increased from sixteen lakhs eighty-nine thousand (1,689,142) to eighteen lakhs seventy thousand (1,870,826), the Oriya population showed a reduction by nearly three lakhs (1911—958,661). Similarly, in the Midnapore District in Bengal the number of the Oriya speakers fell from five lakhs seventy-two thousand (572,798) in 1891 to one lakh eighty thousand (180,801) in 1911, and one lakh forty-two thousand (142,107) in 1921. Although there is no explanation available for such glaring diminution in figures in different provinces, it will be interesting to note here what Mr. Malony in 1911, as the census officer in Madras, has remarked regarding the fall in figures of Ganjam :—

> " The proportional variation in the case of Ganjam is so remarkable as to suggest either careless enumeration at one census or the other, or else a possibility of deliberate misrepresentation by Telugu or Oriya enumerators not uninfluenced by the contentions which prevailed some five or six years back between the Telugus and Oriyas of the district."

Let me make it clear that the Oriyas are one with the rest in the desire to make rapid but steady progress for the attainment of Responsible Self-Government in India ; but what prospect is there for them existing as they are, separated and scattered in different provinces ?

About the year 1868, Sir Stafford Northcote, the then Secretary of State for India, saw the defects of administering a tract of country divided and dissected into unnatural boundaries in times of emergency, and in the year 1895 the Commissioner of Orissa, writing the Administrative Report of the Orissa Division, advocated strongly for bringing the Oriya speaking tracts under one administration. He says in his report :—

> " Among the reasons for this change are, as I have said, the uniting in a single division and placing under the same laws and rules the whole local Oriya population, instead of having a portion of it forming an insignificant item of the Central Provinces and another portion forming an equally insignificant item of the Madras Presidency."

He then goes on citing political, ethnological and philogical grounds in support of his proposal. Let us see what another prominent Government official has to say on this matter. H. H. Risley, Esq., C.I.E., Secretary to the Government of India, in his letter No. 3678, dated 3rd December, 1903, to the Chief Secretary to the Government of Bengal, says :—

> " The difficulties arising from the Oriya problem thus created have been for years a source of anxiety and trouble to the different provinces concerned. The Government of Madras have repeatedly complained of the anxieties imposed upon the administration by the great diversity of language (Oriya, Tamil, Telugu, Malayalam, Canarese) with which Madras civilians are called upon to cope and which render the transfer of officers from one part of the Presidency to another, a matter, in any case, of great difficulty, and often of positive detriment to the public interest. These disadvantages exercise an injurious effect not only upon the administration, but still more upon the people. Where the population speaking a distinct language and the area over which it is spoken are too small to constitute a substantial portion of a province, the foreign unit is almost of necessity neglected. Under ordinary conditions the Government is unable to retain in it a superior staff, who have become acquainted with the local language and with the local customs which invariably accompany it. It is often impossible to officer the subordinate staff from local sources, and foreigners have to be brought in who are ignorant alike of the people, their language and their ways. The Government may order that the vernacular shall be the language of the Government offices and courts, but since neither officers nor clerks know this vernacular properly, compliance with the order is often impracticable and almost always incomplete. Nowhere are the drawbacks more conspicuous than among the Oriya-speaking people, distributed, as has been pointed out, between three (*now four*) administrations and a source of constant anxiety to each. Hence, in dealing with a question of this kind, it may be that the true criterion of territorial redistribution should be sought not in race but in language.
>
> " The Oriya-speaking group, in any case, emerges a distinct and unmistakable factor, with an identity and interests of its own."

In 1917, on the momentous visit of Mr. Montagu to India, the Oriyas again submitted a memorial, under the leadership of Mr. M. S. Das, C.I.E., and the Honourable Rajah of Kanika, the present Finance Member of Bihar and Orissa, and many other influential men for the administrative union of the Oriya tracts as a preliminary to the Reforms ; but, except for the recognition of the principle to form provinces on the linguistic basis, giving prominence, of course, to the problem of Orissa, nothing tangible has been done for the Oriyas. As anticipated in the memorial, the position of the Oriyas in every province under the Reforms changed for the worse, as in every provincial legislature the Oriya representatives found themselves in a hopeless minority without being able to influence any decision in their favour against contending forces.

My experience as a member of the Madras Legislative Council is that the position of the Oriyas is unenviable and far from satisfactory, though, in pre-Reform days they had much less to complain of, receiving usually official support and sympathy as a backward community. I have reasons to believe that wherever the Oriyas exist now, their condition is exactly the same, and worse in Bengal, with all the disadvantages pertaining to a minor community among a bigger and more advanced population.

The desire of the Oriya people to be united finds its counterpart in the case of several other Indian communities also.

Let me repeat again, that nothing short of a separate province will satisfy the Oriyas. They will not remain content with any half measures as a part of a major province with any amount of statutory guarantees and declarations.

The demand for a separate province was embodied in a resolution of the Utkal Union Conference in 1919, which runs as follows :—

> " Believing as it does in the sympathetic recognition of the special claims of the Oriyas for a separate administration, as evidenced by the illustrious authors of the scheme in their proposal for constituting a sub-province for Orissa, this conference desires to place on record its conviction that, unless a separate province, under a Governor-in-Council and legislative assembly with an elected non-official majority be given to the united Oriya-speaking tracts, the proper solution of the question cannot be satisfactorily reached, and the legitimate aspirations of the people concerned cannot be fulfilled."

In the following year, Mr. Sachidananda Sinha, of Bihar, moved in the old Imperial Legislative Council for a mixed committee of officials and non-officials to formulate a scheme for amalgamation of Oriya-speaking tracts. Most of the speakers in the debate welcomed this resolution, but Sir B. N. Sarma advocated a separate province for the Oriyas, to which the whole house agreed. Sir William Vincent, the then Home Member of the Government of India, speaking on behalf of the Government, recognised that there was a very great feeling among the Oriyas for amalgamation, and that the Government was in no sense opposed to an examination of this question. The Phillip and Duff Commission, in 1924, also have recorded the same feeling among the Oriyas.

The position of Orissa as at present has drawn the attention of the Simon Commission, and they regard it as " a glaring example of the artificial connection of areas not naturally related." The Government of Madras in its memorandum to the Simon Commission, favour a separate province for the Oriyas. The Government of Bihar and Orissa, though, point out the financial insufficiency of the future province, is also in favour of a separate Oriya province. The Government of India, in its Despatch on proposals for constitutional reforms, admit the claim of Oriyas for a separate province of their own, suggesting a Boundary Commission to go into this question. The amalgamation of Oriya-speaking tracts has become so urgent and acute that it is feared in some quarters that another commission might delay matters and postpone the great day.

Considering from a practical point of view, Orissa will be a province 88½ thousand square miles, with men possessing everything in common—language, religion, customs and manners—and their number in population can stand favourably in comparison with Assam, Burma and the Central Provinces.

One of the formidable objections incident on the proposal of a separate province is the complaint of financial insufficiency. The difficulty of finance might be a real one, and I do not doubt it for a moment; but at the same time I do not think it an impossibility if only the question is tackled with sympathy and fairness by the authorities concerned and its mineral wealth fully developed. Did not the Government of India come to the rescue of Assam when she started as a new province? The Oriya Province may be started on identically the same style.

Orissa is a great agricultural country, with vast natural resources and fertility. It is mainly a rice-producing country, with vast tracts of rich soil capable of great agricultural development. If only its rivers are controlled to avoid devastations of flood, it will be a land of wealth instead of poverty. Again, Orissa abounds in forest materials, which provide beautiful building materials, and with her coal, iron, copper, mica, manganese ores, many more industries can be developed to yield a large revenue to meet the needs of administrative cost.

Space does not permit me to say all that I have in mind regarding this question. The little details I have mentioned are done only in the interests of the case. Enough if the immediate solution of the problem has been brought out.

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